

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 9 NUMBER 162

Washington, Tuesday, August 15, 1944

The President

PROCLAMATION 2616

REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the Secretary of the Interior has adopted and submitted to me for approval regulations permitting and governing (1) the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, and (2) the exportation and importation to and from Mexico of game mammals, parts and products thereof, included in the aforesaid Convention between the United States and the United Mexican States, which said regulations are as follows:

MIGRATORY BIRD TREATY ACT REGULATIONS
ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of sections 3 and 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which said act as amended was transferred to the Secretary of the Interior on July 1, 1939, (Reorganization Plan II, 53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United

Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, and having due regard to the laws of the United Mexican States relating to the exportation and importation of game mammals, and parts and products thereof, included in the terms of the said Convention between the United States and the United Mexican States, and to the laws of the States and Territories and of the District of Columbia from and into which such mammals, parts, and products thereof, may be proposed to be exported or imported, and to the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and the exportation and importation of such mammals to and from Mexico, and in accordance with such determination, do hereby adopt the following as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of said migratory birds and parts, nests, and eggs thereof, and the exportation and importation of game mammals and parts and products thereof to and from Mexico:

Regulation 1—Definitions of Migratory Birds and Game Mammals

Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916, and February 7, 1936, are as follows:

1. *Game birds.* (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(Continued on page 9875)

CONTENTS

THE PRESIDENT

PROCLAMATION:	Page
Migratory birds and certain game mammals, regulations.....	9873
EXECUTIVE ORDERS:	
Executive Committee on Commercial Policy, order abolishing.....	9879
Furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted personnel of Navy, Coast Guard, Naval Reserve, and Coast Guard Reserve.....	9880
Glider flights by personnel of Army, Navy, Marine Corps, and Coast Guard, regulations.....	9878
Nantahala National Forest, transfer of certain land from Agriculture Department to Tennessee Valley Authority.....	9879
Philadelphia Transportation Co., possession and control by Secretary of War.....	9878
San Francisco, Calif., possession and operation of certain plants.....	9879

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:	
Hearings:	
Hanseatic Corp.....	9926
Marxov, Paul F., and Arthur Bloch.....	9925
Vesting orders:	
Copyright interests:	
Litoff's Verlag, Henry.....	9923
Musikverlag, Harmonia S. A.....	9922
Societe de Droit de Reproduction Mechanique.....	9923
Weiner Boheme Verlag.....	9924
Deutsche Edelmetallwerke A.G. Sobernheim, Walter (y Magnus), and N. V. Handel-Maatschappij "Waldorf".....	9925
Societa Elettrochimica del Tocco.....	9924

COAST GUARD:	
Women's Reserve: miscellaneous amendments.....	9915

(Continued on page 9874)



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 83), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-175.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

CONTENTS—Continued

FEDERAL COMMUNICATIONS COMMISSION:	Page
Hearings, etc:	
Associated Broadcaster, Inc.	9919
Charleston Broadcasting Co.	9918
Educational Broadcasting Corp.	9919
FEDERAL TRADE COMMISSION:	
Auburn Die Co., Inc., et al., appointment of trial examiner	9920
Cease and desist orders:	
Hanley, John	9881
Morton Salt Co.	9881
FISHERIES COORDINATOR:	
Halibut, allocation within ports	9917
GEOLOGICAL SURVEY:	
Coal mining, Alaska; prior regulations made applicable	9883
HOME OWNERS' LOAN CORPORATION:	
Property, sale of	9882

CONTENTS—Continued

INTERNAL REVENUE:	Page
Income and excess-profits tax: consolidated returns	9883
Income tax under Internal Revenue Code:	
Final returns of decedents, time for filing	9883
Miscellaneous amendments	9882
INTERSTATE COMMERCE COMMISSION:	
Icing of fruits and vegetables in designated western States	9916
Lime rock from Buda to Starke, Fla.; suspension of weighing orders	9916
Refrigeration of potatoes	9916
Reconsignment permits:	
Lettuce, Chicago, Ill.	9921
Melons, honeydew, Albany, N. Y.	9921
Onions, Chicago, Ill.	9921
Oranges, Chicago, Ill.	9921
Peaches:	
Chicago, Ill.	9920
Fort Wayne, Ind.	9920
Kansas City, Mo.-Kans. (3 documents)	9920, 9921
Reicing permits, etc.:	
Potatoes:	
Bluford, Ill.	9922
Designated states	9920
Laurel, Mont. and Kansas City, Mo.	9922
OFFICE OF PRICE ADMINISTRATION:	
Adjustments:	
Lawrence Coal Co., et al (Corr.)	9928
Oshorn Brothers and Wilson Coal Co., (Corr.)	9927
Watkins, J. R. Co.	9928
Alaska, coffee (MPR 288, Am. 30)	9901
Beets, notice to growers (AN 5)	9929
Chemicals (MPR 353, Am. 5)	9890
Coal, bituminous (MPR 120, Order 906)	9926
Cooperage, used tight (MPR 524, Am. 2)	9890
Corn milling products, wet (Rev. SR 14, Am. 162)	9895
Cotton textiles (SO 92, Am. 1)	9896
Fertilizer materials, raw (RMFR 205, Am. 2)	9899
Foods, processed (Rev. RO 13, Am. 26 to 2d Rev. Supp. 1)	9896
Fruits and vegetables, fresh (MPR 426, Am. 43, 44 Corr.) (2 documents)	9296, 9897
Fuel oil, gasoline and liquefied petroleum gas (MPR 88, Am. 16; Rev. RO 11, Am. 21, 23) (3 documents)	9896, 9901
Gasoline rationing (RO 5C, Am. 141, 142; Am. 3 to Rev. Supp. 1) (3 documents)	9890, 9899, 9900
Hawaii:	
Fruits and vegetables (MPR 373, Am. 77)	9907
Garbage sales and deliveries (S. O. 91, Am. 2)	9898
Grocery items (MPR 373, Am. 76)	9902
Home building materials (MPR 373, Am. 75)	9891
Judicial sales (Rev. S. O. 10)	9897
Meat, fats, fish and cheeses (Rev. RO 16, Am. 9 to 2d Rev. Supp. 1)	9896
Photographic equipment, used (MPR 516, Am. 1)	9897

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Potatoes, white flesh, notice to growers (AM 6)	9929
Regional and district office orders:	
Fluid milk, Kentucky	9935
Fruits and vegetables, fresh, Colorado and Wyoming	9930
Ice, New England	9930
Meat cuts, fabricated, Wichita, Kans.	9938
Posting requirements:	
Altoona, Pa.	9935
Concord, N. H.	9931
Houston, Tex.	9933
Montpelier, Vt.	9937
Savannah, Ga.	9933
Utah	9936
Williamsport district	9932
Solid fuels:	
Denver region	9930
Greenville, N. C. (Corr.)	9935
New Haven, Conn., area	9930
Winston-Salem, N. C.	9932
Sewer pipe, vitrified clay and allied products (RMFR 206, Am. 5; MPR 188, Am. 46 to Order A-1) (2 documents)	9889, 9927, 9901
Shoes (RO 17, Am. 73)	9901
Stock screen goods (MPR 381, Am. 5)	9890
Sugar (Rev. RO 3, Am. 41, 42) (2 documents)	9890
Tires and tubes (MPR 528, Am. 1)	9898
Virgin Islands, onions (MPR 395, Am. 31)	9907
SECURITIES AND EXCHANGE COMMISSION:	
Brokers and dealers, ratio of aggregate indebtedness to net capital	9882
Hearings, etc.:	
Associated Gas and Electric Corp. et al.	9941
Birmingham Gas Corp.	9939
Columbia Gas & Electric Corp., et al.	9940
Lake Shore Gas Co., and Associated Electric Co.	9940
Montana Power Co.	9939
Middle West Corp., et al.	9938
Ogden Corp., et al.	9941
Savannah Gas Co.	9939
SELECTIVE SERVICE SYSTEM:	
Form replacements	9883
Personnel report, action taken by board	9883
Registrant's affidavit, family status and dependents	9883
TREASURY DEPARTMENT:	
Four percent Treasury Bonds, 1944-54, call for redemption	9917
WAGE AND HOUR DIVISION:	
Learner employment certificates, various industries	9917
WAR CONTRACTS PRICE ADJUSTMENT BOARD:	
Renegotiation regulations:	
Agreements and statements	9910
Excessive profits, determination and elimination	9910
Forms	9911
Procedure	9907

(Continued on next page)

CONTENTS—Continued

WAGE CONTRACTS PRICE ADJUSTMENT BOARD—Continued.	
Renegotiation regulations—Con.	Page
Renegotiable business and costs, determination	9908
Statutes, orders, joint regulations and directives	9915
WAR FOOD ADMINISTRATION:	
Milk, Cincinnati, Ohio marketing area	9880
WAR MANPOWER COMMISSION:	
Philadelphia, Pa.—Camden, N. J., minimum wartime work week	9929
WAR PRODUCTION BOARD:	
Agar, (M-96, Rev.)	9886
Carbon steel bars, hot-rolled (L-211, Sch. 15, Rev. of Int. 1 to Sch. 15) (2 documents)	9886, 9887
Cattlehide, calfskin and kip, restriction on processing (M-310, Gen. Dir. 5)	9888
Jewelry (L-45, Rev.)	9888
Moisture vapor barrier material (M-380, Am. 1)	9884
Newspapers (L-240, Supp. 1)	9884
Officers' messes ashore (L-317, Dir. 2)	9888
Power Division, Office of War Utilities (M-293, Table 8)	9887
Railroad equipment, suspension of filing requirements (L-97-d, Dir. 1)	9886
Sheets, delivery to plants (M-290, Dir. 5)	9884
Suspension orders, etc.:	
D. Appleton-Century Co., Inc.	9884
Wichita Beacon	9888
WAR SHIPPING ADMINISTRATION:	
Rate ceilings, suspension of	9916
Vessel ownership determinations:	
"Dublin"	9942
"Marie"	9942

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae (charadrii), or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Insectivorous and other nongame birds.* Cuckoos, flickers, and other woodpeckers; nighthawks, or bullbats, chuck-will's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pitits; catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murrelets, petrels, puffins, shearwaters, and terns.

Game mammals. Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

Regulation 2—Definition of Terms

For the purpose of these regulations, the following terms shall be construed, respectively, to mean and to include—

Secretary. Secretary of the Interior of the United States.

Director. Director, Fish and Wildlife Service, United States Department of the Interior.

Regional Director. Regional Director, Fish and Wildlife Service, United States Department of the Interior.

Person. Individual, club, association, partnership, or corporation, any one or all, as the context requires.

Take. Hunt, kill, or capture, or attempt to hunt, kill, or capture.

Open season. Time during which migratory game birds may be taken.

Transport. Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

Regulation 3—Means by Which Migratory Game Birds May Be Taken

Migratory game birds on which open seasons are specified in regulation 4 may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by regulations 7, 8, and 9, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open seasons from land or water, with aid of a dog, and from a blind, boat or other floating craft not under tow or sail, except sinkbox (battery), motorboat (excluding a boat having a detached outboard motor), and sailboat. Nothing herein shall permit the taking of migratory game birds from or by means, aid or use of an automobile or aircraft of any kind, the taking of waterfowl by means, aid or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying or stirring up of waterfowl and coot by means or aid of any motorboat, sailboat, or aircraft of any kind, nor exclude the picking up of injured or dead waterfowl by means of a motorboat, sailboat, or other craft.

Waterfowl (except for propagating, scientific or other purposes under permit issued pursuant to regulation 8) and mourning doves and white-winged doves are not permitted to be taken by means, aid or use of shelled, shucked, or unshucked corn, or of wheat or other grain, salt or other feed that has been so deposited, distributed, or scattered as to constitute a lure, attraction, or entice-

ment in the hunting of such birds, except properly shocked corn and standing crops of corn, wheat, or other grain or feed, and except grains found scattered solely as a result of agricultural harvesting.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

Regulation 4—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except wood duck in Massachusetts and North Dakota, snow geese in Beaverhead, Gallatin and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' goose, and swans), coots, rails and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons may be taken each day from one-half hour before sunrise to sunset, except as otherwise provided in this regulation, during the open seasons prescribed herein, and may be taken by the means and in the numbers permitted by regulations 3 and 5 hereof, and when so taken may be possessed in the numbers permitted by regulation 5 during the period constituting the open season where taken and for an additional period of 45 days next succeeding said open season, except as prohibited by State law.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding grounds, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and coot. The open season on waterfowl (except wood duck in Massachusetts and North Dakota, geese in Alexander County, Illinois, snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' goose, and swans) and coot, in the several States, Alaska, and Puerto Rico, shall be as follows, both dates inclusive:

Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio (except Pymatuning Reservoir and one quarter of a mile distant in any direction from said Reservoir), South Dakota, Vermont, and Wisconsin, September 20 to December 8.

Ohio, on the Pymatuning Reservoir in Ashtabula County and one quarter of a mile distant in any direction from said Reservoir, October 14 to January 1.

California (except in San Bernardino, Riverside, and Imperial Counties), Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada,

New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, and Wyoming, October 14 to January 1.

California, in San Bernardino, Riverside, and Imperial Counties, November 2 to January 20.

New York, in Essex and Clinton Counties east of the Delaware and Hudson Railroad tracks and that part of Washington County east of the aforesaid tracks to and including the village of South Bay and all of the waters of South Bay and one mile distant from such water in any direction, September 20 to December 8.

Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to January 20.

Puerto Rico, December 15 to February 12.

Alaska, in Fur Districts 1 and 3 as defined in the regulations governing the taking of game in Alaska adopted May 15, 1944 (9 F.R. 5270), September 21 to December 9; in the remainder of Alaska, September 1 to November 19: *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine, and New Hampshire from September 15 to September 19, and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to September 30, and thereafter from land or water during the open seasons for other waterfowl in these States.

Geese, in Alexander County, Illinois, October 14 to December 12 from one-half hour before sunrise to 12 o'clock noon.

Rails and gallinules (except coot). The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.
Louisiana, September 15 to December 15.

Maine, and Wisconsin, September 20 to December 8.

Maryland, September 1 to October 31.

Massachusetts, and New York, including Long Island, October 14 to January 1.
Minnesota, September 16 to November 30.

Mississippi, October 15 to December 30.
Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

Woodcock. The open seasons on woodcock shall be as follows, both dates inclusive.

New York, north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Wisconsin, October 1 to October 15.

New York, south of the line above described, and in Indiana, and West Virginia, October 16 to October 30.

New Jersey, that part of New York known as Long Island, and Rhode Island, November 1 to November 15.

Arkansas, and Oklahoma, December 1 to December 15.

Connecticut, October 26 to November 9.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, Minnesota, New Hampshire, Ohio, and Vermont, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State October 15 to October 29.

Missouri, November 10 to November 24.

Pennsylvania, October 14 to October 28.

Virginia, November 20 to December 4.

Mourning or turtle dove. The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, Georgia, and South Carolina, September 16 to October 15 and from December 25 to January 20.

Arizona, Kansas, Kentucky, and Missouri, September 1 to October 25.

Arkansas and Mississippi, September 16 to September 30 and from December 10 to January 20.

California, Colorado, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Delaware, September 16 to November 9.

Florida, in Dade, Monroe, and Broward Counties, October 1 to October 31; in rest of State, November 20 to January 15.

Idaho, September 1 to September 15.

Illinois, September 1 to September 30.

Louisiana, October 15 to October 30 and December 10 to January 20.

Maryland, September 1 to October 15.

Minnesota, September 16 to September 30.

North Carolina, November 25 to January 20.

Oregon, September 1 to September 15.

Tennessee, September 16 to November 11.

Texas, in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Bell, Falls, McLennan, Hill, Navarro, Henderson, Smith, Gregg and Harrison Counties; and all counties north and west thereof, September 1 to October 25; in remainder of State, but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, LaSalle, Jim Hogg, Brooks, Kenedy, and Willacy Counties, October 20 to December 14. In these latter counties September 15, 17, 19, 21 and 24 from 12 o'clock noon until sunset, and thereafter from October 20 to December 9 from one-half hour before sunrise to sunset.

Virginia, September 16 to October 25.

White-winged dove. The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, LaSalle, Jim Hogg, Brooks, Kenedy, and Willacy

Counties, September 15, 17, 19, 21 and 24, from 12 o'clock noon until sunset.

Band-tailed pigeon. The open season on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, Colorado, in the drainage of the North Fork of the Gunnison River in Gunnison and Delta Counties and in La Plata, Montezuma, Dolores, San Miguel, Montrose, Ouray, San Juan, Archuleta, Huerfano, and Las Animas Counties, New Mexico, and Washington, September 16 to October 15.

California, December 1 to December 30.

Oregon, September 1 to September 30.

Regulation 5—Daily Bag and Possession Limits on Certain Migratory Game Birds

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken such birds may be possessed in the numbers hereinafter specified, except that no person on the opening day of the season may possess any migratory game birds in excess of the daily limits herein prescribed.

Ducks (except the American and red-breasted mergansers). Ten including in such limit not more than 1 wood duck, and in addition five singly or in the aggregate of mallards, pintails, or widgeons. Any person may possess not more than 20 ducks including not more than one wood duck, and in addition ten singly or in the aggregate of mallards, pintails, or widgeons.

American and redbreasted mergansers. 25 singly or in the aggregate.

Geese and brant (except snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; and Ross' goose). Two including brant but not including blue, snow, or white-fronted geese, and in addition (a) four singly or in the aggregate of snow and whitefronted geese in the Pacific Coast States or (b) four singly or in the aggregate of blue or snow geese elsewhere than in the Pacific Coast States. Any person may possess not more than four geese, including brant, but not including blue, snow, or white-fronted geese and in addition not more than eight singly or in the aggregate of blue, snow, or whitefronted geese where such are permitted to be taken.

Rails and gallinules (except sora and coot). Fifteen in the aggregate of all kinds, and any person may possess not more than fifteen in the aggregate of all kinds.

Coot. Twenty-five, and any person may possess not more than twenty-five.

Sora. Twenty-five, and any person may possess not more than twenty-five.

Woodcock. Four, and any person may possess not more than 8.

Mourning or turtle dove and white-winged dove. Ten in the aggregate of both kinds, and any person may pos-

sess not more than ten mourning doves or more than ten white-winged doves.

Band-tailed pigeon. Ten, and any person may possess not more than ten.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, woodcock, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Regulation 6—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Migratory game birds of a species on which open seasons are prescribed by regulation 4, legally taken, and parts thereof, may be transported in or out of Alaska, Puerto Rico, or the State where taken, during the respective open seasons therein. Such birds when legally taken in and exported from Canada or Mexico, and if from Mexico when accompanied by a Mexican export permit, may be transported into the United States during the open seasons where killed.

Not more than the number of such birds permitted by regulation 5 to be taken by one person in one day, except American and redbreasted mergansers, or in two days in the case of woodcock, and ducks (except wood ducks), nor more than four geese, including brant, but not including blue, snow, or white-fronted geese, and in addition not more than eight singly or in the aggregate of blue, snow, or whitefronted geese where such are permitted to be taken, shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

Any such birds or parts thereof in transit during the open season may continue in transit for such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver them to their destination, and may be possessed in any State, Alaska, Puerto Rico, or the District of Columbia, during the period constituting the open season where taken, and for an additional 45 days next succeeding said open season. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

Nothing contained herein shall be construed as permitting transportation of such birds, or parts thereof, from, to, or through any State, Alaska, Puerto Rico, or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the place in which taken or from, to, or through which transported; nor shall any such birds be imported from Canada or Mexico contrary to the laws of the place in which taken or from, to, or through which transported.

Migratory game birds imported from countries other than Canada and Mexico. Migratory game birds of a species on

which open seasons are prescribed by regulation 4, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 to be taken by one person in 1 day, except American and redbreasted mergansers, or in 2 days in the case of woodcocks, ducks (except wood ducks), but not more than 4 geese, including brant, but not including blue, snow, or whitefronted geese, and in addition not more than eight singly or in the aggregate of blue, snow, or whitefronted geese, to any State, Alaska, or Puerto Rico during the open season prescribed by said regulation 4 for such State, Alaska, or Puerto Rico on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Alaska, or Puerto Rico, or the District of Columbia for an additional 45 days immediately succeeding such open season, if transportation and possession of such birds are not prohibited by such State, Alaska, or Puerto Rico and if transported in packages marked as hereinbefore provided.

Regulation 7—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska

In Alaska, Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for use of themselves and their immediate families for food and clothing.

Regulation 8—Propagating, Scientific, and Other Permits

1. Any person without a permit may possess and transport for his own use, legally acquired live migratory waterfowl and the plumage and skins of legally taken migratory game birds, and such person may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery nor ornamental use, feathers of wild ducks and wild geese legally killed or seized and condemned by Federal or State game authorities.

2. Permits for the taking, acquisition, and possession of live migratory birds and their eggs for propagating purposes, for the taking, acquisition and possession of migratory birds and their eggs, nests, or parts for scientific and other limited purposes, for the disposition and transportation of such birds, eggs, nests, parts, and their increase, and for the mounting or other preparation by a taxidermist of such birds, eggs or nests, may be issued under the direction of the Secretary, upon such terms and conditions, including the keeping of records and the making of reports, as he may deem are necessary for the protection of the species and consistent with the general purposes of these regulations.

3. Without obtaining a permit as otherwise required in Section 2 of this regulation, public museums, zoological parks and societies, and public scientific and

educational institutions may acquire, possess, purchase, dispose of and transport migratory birds and their eggs, nests or parts. State or municipal game farms or city parks also may acquire, possess, dispose of, and transport live migratory waterfowl without a permit.

4. Applications for permits shall be in such form as may be prescribed by the Secretary, and shall be addressed to the Director of Fish and Wildlife Service, Chicago 54, Illinois.

5. Every package in which migratory birds or parts, nests or eggs thereof, are shipped wholly within a State or Territory or the District of Columbia, or in which such birds or parts or eggs thereof are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is shipped or transported, and the purpose for which the birds or parts, nests or eggs are being shipped or transported.

Regulation 9—Permits to Kill Migratory Birds Injurious to Agriculture or Other Interests

Agriculture or other injury. When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any extensive area, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times, hours, and by what methods and means. Upon such determination an appropriate order will be made by the Secretary.

Whenever, by reason of a rapid decrease in the distribution and abundance of any species of migratory game birds during any open season specified in these regulations, the shortening of such season or the reduction of the daily bag and possession limits will operate to insure a continuing and normal supply of such species, then, in that event the applicable season or the daily bag and possession limits of such species shall be shortened or reduced to the extent determined necessary to insure such continuing and normal supply. Whenever, by reason of the destruction of valuable agricultural crops through the overabundance of any species of migratory game birds during either an open or closed season specified in these regulations, the lengthening of an open season or the increase of the daily bag and possession limits or a change in the manner, method or hours of such taking will operate to reduce the destruction of valuable agricultural crops, then, in such event the applicable season or daily bag and possession limits may be increased or the manner, method or hours of taking changed for such fixed period or time to the extent necessary to conserve such valuable agricultural crops. In no event shall any

season be lengthened to provide an open season of more than 3½ months.

The facts as to the decrease in distribution and abundance of any species of migratory game birds requiring a shortening of seasons or reductions of daily bag and possession limits, or as to the destruction of valuable agricultural crops requiring the lengthening of seasons or other remedial action, shall be determined by the Secretary and in accordance therewith he shall issue applicable orders which shall become effective when published in the FEDERAL REGISTER.

Specific injury. Upon receipt by the Director, or the Regional Director in the region where the injury occurs, of information from the owner, tenant, or sharecropper that migratory birds are injuring his crops or other interests on the land on which he resides, together with a statement of the location of the land, the nature of the crops or other interests being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or some of them, permits to kill the birds may be issued by the Director or by the Regional Director, if authorized by the Director, in which permits will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case.

Every person exercising any privilege granted in a permit issued by the Director or Regional Director shall keep an accurate record of all migratory birds killed by him and whenever requested by the Director or by the Regional Director shall submit promptly, on a form provided by the Fish and Wildlife Service for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him, and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

Regulation 10—State Laws for the Protection of Migratory Birds

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs, when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act

and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

Regulation 11—Transportation of Game Mammals to and From Mexico

Game mammals or parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia, may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired, and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Live game mammals authorized by a special permit issued by the Secretary of the Interior, pursuant to section 241 of the Penal Code, the administration of which section was in part transferred to said Secretary on July 1, 1939, pursuant to the Reorganization Act of 1939 (53 Stat. 561), to be imported, and the dead bodies of game mammals, or parts, or products thereof, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State or Territory or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act regulations approved August 11, 1939 (54 Stat. 2615), and all amendments thereof are hereby revoked, but all permits heretofore made or issued pursuant to said act and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl and their eggs for propagating purposes, are hereby continued and extended in full force and effect as permits adopted and approved or made or issued hereunder.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 25th day of July, 1944.

[SEAL]

HAROLD L. ICKES,
Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing regulations will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of July, in the year of our Lord

nineteen hundred and forty-four, and of the Independence of the United States of America the one hundred and sixty-ninth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 44-12100; Filed, August 11, 1944; 4:38 p. m.]

EXECUTIVE ORDER 9459

PHILADELPHIA TRANSPORTATION COMPANY,
POSSESSION AND CONTROL BY THE SECRETARY OF WAR

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Act of August 29, 1916, 39 Stat. 645, the First War Powers Act 1941, and Section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy, I hereby authorize the Secretary of War to take possession and assume control of the transportation systems of the Philadelphia Transportation Company, including all real and personal property and other assets, wherever situated, used or useful in connection with the operation of said systems and I authorize him to utilize such systems for such purposes connected with the war emergency as he may deem needful or desirable and to terminate the possession and control of such systems when he determines that such possession and control are no longer necessary for purposes connected with the war emergency.

FRANKLIN D. ROOSEVELT

AUGUST 3, 1944.

[F. R. Doc. 44-12154; Filed, August 14, 1944; 10:15 a. m.]

EXECUTIVE ORDER 9460

REGULATIONS RELATING TO GLIDER FLIGHTS BY PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, AND COAST GUARD.

By virtue of the authority vested in the President by the act entitled "An Act to amend section 18 of the Pay Readjustment Act of 1942 to provide additional pay for personnel who are required to participate in regular and frequent glider flights," approved July 1, 1944 (Public Law 409, 78th Congress, 2d session) I hereby prescribe the following regulations, applicable to all officers, warrant officers, nurses, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard.

1. As used in these regulations—

(a) The term "orders of competent authority" shall mean orders issued by the Secretary of War or such officer or officers as he may designate for the Army, the Chief of Naval Personnel for the Navy, the Commandant of the Marine Corps for the Marine Corps, or by the

Commandant of the Coast Guard for the Coast Guard.

(b) The term "glider flight" shall mean a journey in a service-type glider in the Army, Navy, Marine Corps, or Coast Guard, beginning when the glider takes off from rest at any point of support and terminating when it next comes to a complete stop at a point of support.

2. Personnel of the Army, Navy, Marine Corps, and Coast Guard who are qualified as glider personnel under such regulations as the Secretary of War or the Secretary of the Navy may severally prescribe, or who are undergoing training for such qualification and who are required by competent authority to participate regularly and frequently in glider flights, shall be required to perform one or more flights without regard to duration thereof during any three consecutive calendar months: *Provided*, That whenever the commanding officer of any officer, warrant officer, nurse, or enlisted man who has been required by orders of competent authority to participate in regular and frequent glider flights certifies that on account of the absence or inadequacy of glider equipment or towing aircraft or other means of propulsion, or on account of military operations of the particular command under combat conditions, such officer, warrant officer, nurse, or enlisted man was unable to perform the glider flights required by this paragraph, such officer, warrant officer, nurse, or enlisted man may comply with the requirements herein prescribed by performing four or more glider flights without regard to the duration thereof during a period of 12 consecutive calendar months, and such requirements for any particular period may be met at any time during such period: *And provided further*, That any officer, warrant officer, nurse, or enlisted man who has been required to participate regularly and frequently in glider flights by orders of competent authority and who as a result of such orders has participated regularly and frequently in glider flights, as defined in this order, and who subsequently becomes incapacitated for glider flights by reason of an aviation accident shall not be required to perform such glider flights during such incapacity for a period not to exceed three months following the date of such accident.

3. For the purpose of computing the number of flights required under paragraph 2 hereof, flights performed within a period of 90 days prior to the date of this order shall be considered to have been made on the effective date of this order.

This order shall be effective as of July 1, 1944.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 7, 1944,

[F. R. Doc. 44-12088; Filed, August 11, 1944;
3:13 p. m.]

EXECUTIVE ORDER 9461

ABOLISHING THE EXECUTIVE COMMITTEE ON COMMERCIAL POLICY

By virtue of the authority vested in me as President of the United States, the

Executive Committee on Commercial Policy, established by the letter of November 11, 1933, from the President to the Secretary of State, and continued by Executive Order No. 6656 of March 27, 1934, and Executive Order No. 7260 of December 31, 1935, is hereby abolished.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 7, 1944.

[F. R. Doc. 44-12089; Filed, August 11, 1944;
3:13 p. m.]

EXECUTIVE ORDER 9463

AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE PACIFIC GEAR AND TOOL WORKS, THE FEDERAL MOGUL CORPORATION, THE LINK-BELT COMPANY (PACIFIC DIVISION), THE U. S. PIPE AND MANUFACTURING COMPANY, AND THE ENTERPRISE ENGINE AND FOUNDRY COMPANY, LOCATED AT SAN FRANCISCO, CALIFORNIA.

WHEREAS after an investigation I find and proclaim that the plants and facilities of the Pacific Gear and Tool Works, the Federal Mogul Corporation, the Link-Belt Company (Pacific Division), the U. S. Pipe and Manufacturing Company, and the Enterprise Engine and Foundry Company, located at San Francisco, California, are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are existing interruptions of the operation of said plants and facilities as a result of a labor disturbance; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities;

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of the Navy is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of the Pacific Gear and Tool Works, the Federal Mogul Corporation, the Link-Belt Company (Pacific Division), the U. S. Pipe and Manufacturing Company, and the Enterprise Engine and Foundry Company, located at San Francisco, California, and, to the extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operations thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the Pacific Gear and Tool Works, the Federal Mogul

Corporation, the Link-Belt Company (Pacific Division), the U. S. Pipe and Manufacturing Company, and the Enterprise Engine and Foundry Company and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of the Navy shall operate the said plants and facilities pursuant to the provisions of the War Labor Disputes Act, and during his operation of the plants and facilities shall observe the terms and conditions of the Directive Order of the Tenth Regional War Labor Board dated April 20, 1944, as modified by the Directive Order of the National War Labor Board dated June 3, 1944.

3. The Secretary of the Navy shall permit the managements of the plants and facilities taken under the provisions of this order to continue with their managerial functions to the maximum degree possible, consistent with the aims of this order.

4. The Secretary of the Navy is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein.

5. Possession, control, and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of the Navy within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the existing interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 12, 1944.

[F. R. Doc. 44-12200; Filed, August 14, 1944;
12:23 p. m.]

EXECUTIVE ORDER 9464

TRANSFERRING THE USE, POSSESSION, AND CONTROL OF CERTAIN LAND IN THE NANTAHALA NATIONAL FOREST FROM THE DEPARTMENT OF AGRICULTURE TO THE TENNESSEE VALLEY AUTHORITY

By virtue of the authority vested in me by section 7 (b) of the Tennessee Valley Authority Act of 1933 (48 Stat. 63), and by the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473), it is ordered that the use, possession, and control of the land hereinafter described be, and they are hereby, transferred from the Department of Agriculture to the Tennessee Valley Authority, for the purposes thereof as stated in the said Tennessee Valley Authority Act of 1933.

The land affected by this order is within the Nantahala National Forest in Nantahala Township of Swain County, North Carolina, and is more particularly described as follows:

FR-827

Beginning at a point in the boundary line between the lands of E. L. McKee, and the United States Forest Service, the coordinates of which referred to the North Carolina Coordinate System are N. 613,535 and E. 635,177;

From the initial point:

S. 83°16' E., 273 ft. to a point;

S. 56°49' E., 1412 ft. to a point;

S. 43°20' W., 170 ft. to a point in contour level 1722.63 ft. above mean sea level, as based on the United States Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1936;

Thence northwesterly along the contour approximately 1500 feet to United States Forest Service Monument 1108-34;

Thence No. 38°30' W., 190 ft. to the point of beginning.

The tract as described contains 4.4 acres.

The direction of lines are referred to the North Carolina Coordinate System.

The transfer of the use, possession, and control of the above-described tract or parcel of land is made subject to such rights as may be vested in Swain County, North Carolina, or the State of North Carolina to rights-of-way for public roads.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
August 12, 1944.

[F.R. Doc. 44-12201; Filed, August 14, 1944;
12:27 p. m.]

EXECUTIVE ORDER 9465

AMENDMENT OF EXECUTIVE ORDER 9356 OF JUNE 24, 1943, PRESCRIBING REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED PERSONNEL OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (56 Stat. 359, 363), it is ordered that section A6 (b) of Executive Order 9356 of June 24, 1943, prescribing regulations governing the furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted personnel of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, be, and it is hereby, amended to read as follows:

Those undergoing other training:

An issue of clothing in kind not to exceed in value.....\$30.00

In addition a temporary issue of Government-owned clothing not to exceed in net value.....180.00

This order shall become effective as of July 1, 1944.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
August 12, 1944.

[F. R. Doc. 44-12199; Filed, August 14, 1944;
12:27 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

Order amending the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

§ 965.1 *Findings and determinations*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1-900.17; 7 F.R. 3350, 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. It is hereby found upon the basis of the evidence introduced at the original hearing on said order and in addition to the other findings made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Cincinnati, Ohio, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the said order, as amended and as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who

are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the said order, as amended and as hereby amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of the order, as amended and as hereby amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is hereby ordered, That such handling of milk in the Cincinnati, Ohio, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof be in compliance with the terms and conditions of the said order, as amended and as hereby amended; and the said order, as amended, is hereby amended as follows:

1. Delete § 965.6 (a) (1) (9 F.R. 825) and substitute therefor the following:

(1) Class I milk—\$3.80.

2. Delete § 965.6 (a) (2) and substitute therefor the following:

(2) Class II milk—\$3.35: *Provided*, That the price for Class II milk shall not be less than the price for Class III milk plus 15 cents.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.)

Issued at Washington, D. C., this 31st day of July 1944, to be effective on and after the 16th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the
War Food Administrator.

Approved: August 9, 1944.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 44-12103; Filed, August 12, 1944;
11:06 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4319]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MORTON SALT CO.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Cumulative discounts:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In the sale of Morton's Free Running Table Salt, plain or iodized, or other grades of table salt in commerce, discriminating directly or indirectly in the price of such products of like grade and quality as among wholesale or retail dealers purchasing said salt when the differences in price—defined, for the purposes of comparison, as used in the order as taking into account discounts, allowances, and other terms and conditions of sale—are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered by selling any of such products (1) to some wholesalers thereof at prices different from the prices charged other wholesalers who in fact compete in the sale and distribution of such products; (2) to some retailers thereof at prices different from the prices charged other retailers who in fact compete in the sale and distribution of such products; or (3) to any retailer at prices lower than prices charged wholesalers whose customers compete with such retailer; prohibited. (Sec 2 (a), 49 Stat. 1526; 15 U.S.C., sec. 13 (a)) (Cease and desist order, Morton Salt Company, Docket 4319; July 28, 1944)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1944.

In the Matter of Morton Salt Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusions that respondent has violated the provisions of subsection (a) of section 2 of an act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act), as amended by Act approved June 19, 1936 (Robinson-Patman Act):

It is ordered, That respondent, Morton Salt Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in the sale of Mor-

ton's Free Running Table Salt, plain or iodized, or other grades of table salt in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating directly or indirectly in the price of such products of like grade and quality as among wholesale or retail dealers purchasing said salt when the differences in price are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered,

(a) By selling any of such products to some wholesalers thereof at prices different from the prices charged other wholesalers who in fact compete in the sale and distribution of such products.

(b) By selling any of such products to some retailers thereof at prices different from the prices charged other retailers who in fact compete in the sale and distribution of such products.

(c) By selling any of such products to any retailer at prices lower than prices charged wholesalers whose customers compete with such retailer.

For the purposes of comparison, the term "price" as used in this order takes into account discounts, allowances, and other terms and conditions of sale.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-12156; Filed, August 14, 1944;
10:31 a. m.]

[Docket No. 4714]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOHN HANLEY

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with offer, etc., in commerce, of respondent's mechanical device designated "Whirlgas Supercharger" and "Whirlgas Turbinator", or any other similar device, representing, directly or by implication that said device (1) is the result of scientific investigation or research; (2) is a supercharger, or that it acts as or performs the functions of a supercharger; (3) increases the normal speed or flow of gas vapor entering the combustion chambers of an automotive engine, or increases the explosive power of such vapor; (4) increases the power of an automotive engine; (5) saves gasoline or oil; (6) reduces the carbon monoxide content of the exhaust from an automotive engine; (7) has any effect upon the formation of carbon; or (8) causes a motor to oper-

ate at an even temperature, or that it it prevents vapor-lock; or thus representing (9) that the use of said device results in the distribution of a uniform gas mixture to each cylinder of the motor; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) (Cease and desist order, John Hanley, Docket 4714, August 1, 1944)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1944.

In the Matter of John Hanley, an Individual

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence and the exceptions to such report, brief in support of the complaint (no brief having been filed by respondent, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, John Hanley, an individual, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's mechanical device designated "Whirlgas Supercharger" and "Whirlgas Turbinator," or any other device of substantially similar construction or possessing substantially similar characteristics, whether sold under the same names or any other name, do forthwith cease and desist from representing, directly or by implication:

1. That said device is the result of scientific investigation or research.

2. That said device is a supercharger, or that it acts as or performs the functions of a supercharger.

3. That said device increases the normal speed or flow of gas vapor entering the combustion chambers of an automotive engine, or increases the explosive power of such vapor.

4. That said device increases the power of an automotive engine.

5. That said device saves gasoline or oil.

6. That said device reduces the carbon monoxide content of the exhaust from an automotive engine.

7. That said device has any effect upon the formation of carbon.

8. That said device causes a motor to operate at an even temperature, or that it prevents vapor-lock.

9. That the use of said device results in the distribution of a uniform gas mixture to each cylinder of the motor.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing set-

ting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-12157; Filed, August 14, 1944;
10:31 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULA- TIONS, SECURITIES EXCHANGE ACT OF 1934

RATIO OF INDEBTEDNESS TO NET CAPITAL; BROKERS AND DEALERS

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 15 (c) and 23 (a) thereof, hereby amends § 240.15c3-1 [Rule X-15c3-1] to read as follows:

§ 240.15c3-1 *Ratio of aggregate indebtedness to net capital*—(a) *General provision.* No broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 2,000 per centum of his net capital.

(b) *Exemptions.* The provisions of this rule shall not apply to any broker or dealer who (1) does not extend credit to any person to whom he sells or for whom he purchases any securities, and (2) does not carry money or securities for the account of customers or owe money or securities to customers, except as an incident to transactions with or for customers which are promptly consummated by payment or delivery: *Provided*, That credit shall not be deemed to be extended by reason of a bona fide delayed delivery of any such security against full payment of the entire purchase price thereof upon such delivery within thirty-five (35) days after such purchase.

(c) *Definitions.* For the purpose of this rule:

(1) The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker or dealer arising in connection with any transaction whatsoever, including, among other things, money borrowed, money payable against securities loaned and securities "failed to receive," customers' free credit balances, credit balances in customers' accounts having short positions in securities, and equities in customers' commodities¹ future accounts, but excluding

(i) Indebtedness secured by exempted securities;

(ii) Amounts segregated in accordance with the provisions of the Commodity Exchange Act and the rules and regulations thereunder; and

(iii) Liabilities on open contractual commitments;

(2) The term "net capital" shall be deemed to mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities), adjusted by

(i) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if such broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners;

(ii) Deducting fixed assets and assets which cannot be readily converted into cash, including, among other things, real estate, less any indebtedness secured thereby; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; unsecured advances and loans to partners, officers, directors, employees, and salesmen; customers' unsecured notes and accounts; and deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4 (c) of Regulation T of the Board of Governors of the Federal Reserve System;

(iii) Deducting 10% of the market value of securities long and short (except exempted securities) in the capital, proprietary and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in accounts of partners;

(iv) Deducting, in the case of a broker or dealer who has open contractual commitments, 10% of the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in accounts of partners, except as to exempted securities, and except that the deduction with respect to any individual commitment shall be reduced by the unrealized loss in such commitment; and

(v) Deducting, in the case of a broker or dealer who is a sole proprietor, the excess of (a) liabilities which have not been incurred in the course of business as a broker or dealer over (b) assets not used in the business, but only if such excess would materially affect net worth;

(3) The term "exempted securities" shall mean those securities specifically defined as exempted securities in section 3 (a) (12) of the Securities Exchange Act of 1934;

(4) The term "partner," where the broker or dealer is a partnership, shall mean only a partner who has agreed in writing that the equity in any accounts he may maintain with such partnership shall be included as partnership property;

(5) The term "contractual commitments" shall include underwriting, when-issued and delayed delivery contracts, endorsements of puts and calls, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures; a

series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment; and

(6) The term "customer" shall include every person except a partner as here defined.

Effective November 9, 1944.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12153; Filed, August 14, 1944;
9:42 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 311]

PART 410—PURCHASE AND SUPPLY SECTION SALE OF PROPERTY

Part 410 is amended as follows:
Section 410.00-6 (a) (8 F.R. 14727) is amended by adding the following sentence:

§ 410.00-6 *Sale of property.* (a) * * * Bids may be waived, however, in the sale of such property, under the same conditions that they may be waived in purchases, as provided in § 410.02.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

Effective: August 7, 1944.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 44-12101; Filed, August 12, 1944;
9:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue Subchapter A—Income and Excess-Profits Taxes [T. D. 5395]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

Regulations 103 (26 CFR, 1940 Supp., Part 19) and Treasury Decision 5363, approved April 29, 1944, are amended as follows:

PARAGRAPH 1. Section 19.322-7, as amended by Treasury Decision 5363, approved April 29, 1944, is further amended by changing the third sentence of the last paragraph of paragraph (b) and the third sentence of paragraph (d) so that each such sentence will read as follows:

* * * It is immaterial whether the agreement is executed before, on, or after the date of the enactment of the Revenue Act of 1943, but such agreement must be executed within three years from the time the return was filed by the taxpayer, or within two years from the time the tax was paid, whichever period expires the later.

PAR. 2. Treasury Decision 5363, approved April 29, 1944, is amended by inserting at the end of "Par. 3" thereof the following new sentence:

* * * For taxable years beginning after December 31, 1923, and prior to January 1, 1939, the agreement, referred to in paragraph 2 of this Treasury decision, to extend the time within which the Commissioner might make an assessment must have been executed prior to the expiration of the period within which claim for refund might be filed under the law applicable to the taxable year in question, without regard to the amendment made by section 509 (a) of the Revenue Act of 1943.

(53 Stat. 32, 467; 26 U.S.C., 1940 ed., 62, 3791)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner
of Internal Revenue.

Approved: August 11, 1944.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-12136; Filed, August 12, 1944;
2:44 p. m.]

[T. D. 5396]

PART 29—INCOME TAX; TAXABLE YEARS
BEGINNING AFTER DECEMBER 31, 1941

TIME FOR FILING FINAL RETURNS OF
DECEDENTS

Section 29.53-1 of Regulations 111 (26 CFR, Cum. Supp.), as amended by Treasury Decision 5306, approved November 19, 1943, is further amended by striking out subparagraphs (4), (5), and (6) and inserting in lieu thereof the following:

(4) In the case of a final return of a decedent for a fractional part of a year, on or before March 15 next following the close of the calendar year in which occurred the death of the decedent.

(5) In the case of any return for a fractional part of a year, the Commissioner may, upon a showing by the taxpayer of unusual circumstances, prescribe a later time for the filing of the return.

(53 Stat. 32; 26 U.S.C. 62)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner
of Internal Revenue.

Approved: August 11, 1944.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-12137; Filed, August 12, 1944;
2:44 p. m.]

[T. D. 5397]

PART 23—CONSOLIDATED RETURNS OF AF-
FILIATED RAILROAD CORPORATIONS AND
PAN-AMERICAN TRADE CORPORATIONS

PART 33—CONSOLIDATED RETURNS OF AF-
FILIATED CORPORATIONS PRESCRIBED UN-
DER SECTION 730 (B) OF THE EXCESS-
PROFITS TAX ACT OF 1940

CONSOLIDATED RETURNS

Effective as of March 14, 1944, § 23.31
(d) (11) (iv) of Regulations 104 (9 F.R.

2844) and § 33.31 (c) (16) (iv) of Regulations 110 (9 F.R. 2846), as added by Treasury Decision 5341, approved March 14, 1944, are amended by striking from the portion thereof preceding the lettered inferior subdivisions the words "or to the common parent corporation of a group in existence on March 14, 1941," and inserting in lieu thereof the words "or to the common parent corporation or subsidiaries of a group in existence on March 14, 1941,".

(53 Stat. 58 as amended by Pub. Law 753, 77th Cong.)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner,
of Internal Revenue.

Approved:

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-12138; Filed, August 12, 1944;
2:44 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey

PART 216—OPERATING AND SAFETY REGULA-
TIONS GOVERNING THE MINING OF COAL
IN ALASKA

PRIOR REGULATIONS MADE APPLICABLE

Section 216.1 of the regulations in this part is hereby amended to read, as follows:

§ 216.1 *Prior regulations made applicable.* With the exception of §§ 211.4 (c) and (g), 211.15 (c), 211.24 (c), 211.48 (d), 211.77 (a) and (b), 211.79 (c), 211.82 (a), 211.83 (b), 211.86 (a), 211.87, 211.88, and 211.90 (a), which shall not be deemed applicable for the purpose of the regulations in this part, §§ 211.1 to 211.111 inclusive, of the coal mine operating and safety regulations (30 CFR Part 211) are hereby made applicable to and shall govern the methods of mining coal from leased, licensed, and permitted lands on the public domain in the Territory of Alaska.

(38 Stat. 741, 745; 48 U.S.C. 451)

I concur:

W. E. WRATHER,
Director.

R. R. SAYERS,
Director, Bureau of Mines.

Approved: August 7, 1944.

MICHAEL W. STRAUS,
Assistant Secretary.

[F. R. Doc. 44-12102; Filed, August 12, 1944;
9:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 255]

REPLACEMENT SUMMARY, ETC.

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 318, entitled "Replacement Summary." The supply of DSS Form 318 on hand will be used until exhausted.

Revision of DSS Form 319, entitled "Replacement List." The supply of DSS Form 319 on hand will be used until exhausted.

Revision of DSS Form 320, entitled "Replacement Schedule Title Sheet." The supply of DSS Form 320 on hand will be used until exhausted.

The foregoing revisions shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JUNE 27, 1944.

[F. R. Doc. 44-12037; Filed, August 11, 1944;
3:53 p. m.]

[No. 255]

REPORT OF PERSONNEL ACTION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 250, entitled "Report of Personnel Action Taken by Local Board or Appeal Board With Respect to Compensated Employee." Upon receipt of the revised DSS Form 250, the use of the supply of DSS Form 250 (Revised 8/23/42) will be discontinued and all unused copies will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 17, 1944.

[F. R. Doc. 44-12035; Filed, August 11, 1944;
3:53 p. m.]

[No. 257]

REGISTRANT'S AFFIDAVIT

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 41, entitled "Registrant's Affidavit—Family Status and Dependents."

The foregoing discontinuance shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the

*Filed as part of the original document.

continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 11, 1944.

[F. R. Doc. 44-12096; Filed, August 11, 1944;
3:53 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-599]

D. APPLETON-CENTURY CO. INC.

D. Appleton-Century Co. Inc. is a corporation organized under the laws of the State of New York with an office and place of business at 35 West 32nd street, New York City and engaged in the business of publishing and selling books. During the calendar year 1942, the company caused to be put into process in the production of books 2,064,077 pounds of paper. Under Limitation Order L-245 the company was entitled to put into process for production of books during the year 1943 only 90 per cent of the amount of paper by weight put into process during 1942, or 1,857,699.3 pounds of paper. The company put into process during the year 1943 2,293,657 pounds of paper, an excessive use of 435,987.7 pounds. The company offers the explanation that confusion existed for months in its accounting department as a result of the illness and resignation of its treasurer, and that its records of paper consumption had always been compiled by dollar values and not by weight. The company was familiar with the terms of Order L-245 and while there was no deliberate intent on the part of the company to exceed its quota or otherwise violate Limitation Order L-245, its officers failed to take reasonably prudent steps to establish its quota early enough in the year to serve as a guide for the control of its operations and to prevent the substantial excess usage which concededly took place. This excessive use of paper has diverted scarce material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.599 *Suspension order No. S-599.* (a) D. Appleton-Century Co. Inc., its successors and assigns, shall reduce its consumption of paper during the year 1944 so that the total amount of paper put into process in the calendar year 1944 shall be 435,987.7 pounds less than it would otherwise be permitted to put into process during 1944 under the provisions of Limitation Order L-245, unless otherwise authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve D. Appleton-Century Co. Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance and shall expire on December 31, 1944.

Issued this 11th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12098; Filed, August 11, 1944;
4:28 p. m.]

PART 3270—CONTAINERS

[Conservation Order M-290, Direction 5]

DELIVERIES OF SHEETS TO SHEET PLANTS UNDER THIRD QUARTER AUTHORIZATIONS AFTER OCTOBER 1, 1944

The following direction is issued pursuant to conservation Order M-290:

(a) If all of the conditions stated in this direction are fulfilled, a sheet plant may accept against third quarter authorizations deliveries of corrugated and solid fibre sheets, even though they were not delivered or in transit to it by September 30, 1944.

(1) The sheet plant must have placed its order, duly certified its accordance with Order M-290 (see paragraphs (c) and (d), for the sheets with its supplier prior to September 20, 1944, and must be entitled to accept the sheets, in so far as tonnage is concerned, within the authorization it received for the third quarter of 1944.

(2) The corrugated or solid fibre sheets must be made from containerboard which was delivered or in transit to the sheet supplier prior to October 1, 1944, pursuant to a duly certified purchase order carrying the sheet plant's authorization number in accordance with paragraph (c) of Order M-290.

(b) This direction supersedes, to the extent indicated, the statement contained in outstanding third quarter authorizations for containerboard to the effect that such authorizations lapse with respect to any containerboard not actually delivered or in transit to the consumer by the last day of the quarter covered by his application. In all other respects, the provisions of Order M-290 and all authorizations issued thereunder remain fully applicable.

Issued this 12th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12105; Filed, August 12, 1944;
11:18 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-380, as Amended July 21, 1944, Amdt. 1]

MOISTURE VAPOR BARRIER MATERIAL

Section 3281.96 *General Conservation Order M-380* is hereby amended in the following respects:

I. Add the following two new paragraphs (a) (7) and (a) (8):

(7) "Ammunition container bag" means a container made of moisture vapor barrier material used to package ammunition for the Army and Navy of the United States.

(8) "Powder bag" means a container made of moisture vapor barrier material used to package gun powder for the Army and Navy of the United States.

II. Amend paragraph (b) (3) to read as follows:

(3) No person shall use any moisture vapor barrier material, moisture barrier bags or processed sheets except for ammunition container bags, powder bags and for packaging products which have been ordered by or for the account of the Army or Navy of the United States. These bags or processed sheets, other than ammunition container bags and powder bags, may be used only when the applicable specifications require Method II packaging (dehydration).

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 12th day of August, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12147; Filed, August 12, 1944;
5:18 p. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, Supp. 1, as Amended Aug. 12, 1944]

NEWSPAPERS

§ 3133.6a *General Limitation Order L-240, Supplement No. 1—(a) Purpose of appeal clause.* The serious shortage in the supply of print paper available for newspapers makes it necessary for publishers to reduce their consumption substantially, as provided in Order L-240. Such reductions may create serious hardships which, however, are unavoidable in time of war. Appeals are not granted to ameliorate, in individual cases, hardships applicable to an entire industry. They are granted only to provide relief, subject to the provisions of paragraphs (b) to (g), from certain undue and excessive hardships which would be created if the order were applied without modification to an exceptional set of circumstances. Appeals which do not establish such hardships shall be denied.

(b) *No automatic adjustments.* Paragraph (f) of this supplement describes the types of hardships for which quota adjustments shall be made by the War Production Board on appeal. These adjustments, however, are not automatic. A publisher who believes that his case is covered by one of the subparagraphs of paragraph (f) may not make his own adjustment of his consumption quota. No publisher may use any paper in excess of his consumption quota, computed in accordance with paragraphs (j) to (m)

of Order L-240, unless he files an appeal for such relief and a grant is made in writing signed by the Recording Secretary of the War Production Board.

(c) *Adjustments of base tonnages.* Wherever appropriate, grants on appeal shall be made in the form of adjustments of a publisher's base tonnage which shall continue to be effective in future quarters, subject to re-examination and modification at any time by the War Production Board.

(d) *Effective date of base tonnage adjustments.* Adjustments of base tonnages are not retroactive. A publisher whose base tonnage is adjusted, on appeal, does not receive, by virtue of such adjustment, a "carry-over of unused tonnage" from any quarter before the issuance of the appeal grant.

(e) *Application of curtailments.* Constructive base tonnages granted on appeal are subject to the curtailments required by paragraph (k) of Order L-240 as amended from time to time.

(f) *Types of hardship for which relief shall be granted.* In passing upon appeals under Order L-240 the following standards shall govern:

(1) *Extraordinary population increase accompanied by circulation increase.* Where there has been extraordinary growth of population in a newspaper's trading area since December 31, 1942, its consumption quota shall be adjusted in order to permit the maintenance of adequate newspaper service in that trading area. The amount of tonnage to be granted shall be determined as follows: (i) the percentage of population growth in the newspaper's trading area since December 31, 1942 and the percentage of the newspaper's circulation growth in that area measured by the average for the first two quarters of 1944 over the average for the year of 1942, shall be ascertained. (ii) The newspaper's consumption quota shall be increased to the extent that the lower of these two figures exceeds 7½%. In other words, a newspaper must absorb the first 7½% of both population and circulation increase, and it will be granted ex-quota paper only to the extent that population or circulation increase exceeds 7½%, whichever percentage increase is smaller.

Population increase shall be determined on the basis of the best available evidence. In making such determination consideration may be given not only to census figures but also to ration book records, estimates of military authorities, local government officials, postal authorities, telephone, gas and electric companies, housing authorities, employment and labor agencies, transportation agencies, Chambers of Commerce and others. In trading areas where evidence of population increase is inconclusive, weight may be given to circulation increase as evidence of population increase. Increased circulation resulting from promotional sales efforts shall not be included.

Additional adjustment shall be made for newspapers in trading areas whose population has increased more than 50% since the last decennial census, in order to maintain adequate newspaper service in the trading area.

(2) *Extraordinary circulation increase.* Where a newspaper's average circulation for the second quarter of 1943 exceeds its average circulation for the year 1942 by more than 10%, the newspaper's consumption quota shall be increased to the extent of such circulation increase in excess of 10%, without the necessity of establishing any population increase. Increased circulation resulting from promotional sales efforts shall not be included.

(3) *Discontinuance or merger of newspapers.* Adjustments in consumption quota shall be made in order to maintain adequate newspaper service in a community where there has been a discontinuance or merger of newspapers.

(4) *Supplements added in 1941 or 1942.* Adjustments in consumption quota shall be made for newspapers which added supplements in 1941 or 1942. Such adjustments shall be made only to the extent that the newspaper's total content was increased by the addition of the supplements and such increase was not reflected in its base tonnage and only to the extent it appears that because of contractual relationships undue hardship would be caused by a failure to make such adjustments.

[Paragraphs (5), (6), (7) and (8) formerly (6), (7), (8) and (9). Former paragraph (5) deleted Aug. 12, 1944.]

(5) *Temporary suspension.* Newspapers which were forced to suspend publication temporarily during 1941 because of strikes, fires, or similar conditions shall be granted compensatory increases in their base tonnages, to the extent that it was impracticable to continue operations at another plant.

(6) *Change in roll size.* Publishers who reduced the width of their newspaper rolls in 1941 shall be granted compensatory increases in their base tonnages.

(7) *Increased frequency of issuance.* Publishers who increased the frequency of issuance of their newspapers in 1941 and 1942 shall be granted adjustments of their base tonnages to permit continued publication at the frequency of issuance established before Order L-240 was issued, on December 31, 1942.

(8) *Extraordinary hardships.* Appeal tonnage shall not be recommended by either the administrator or the Division Appeals Committee or granted by the Appeals Board for causes other than those enumerated in subparagraphs (1) to (7) of this paragraph (f) except where unforeseen, unusual, extraordinary or emergency conditions constituting undue and excessive hardship are proved. Certain factors which shall not be recognized as grounds for the granting of appeal tonnage are described in paragraph (g).

(g) *Factors which shall not be considered as grounds for granting appeals.* The following is a list of some of the factors which shall not be considered as grounds for the granting of tonnage on appeal. This list is not exclusive.

(1) The nature of a newspaper's contents.

(2) Diminished base period consumption because of financial conditions.

(3) Suspension of publication in 1941 or 1942 except as provided in paragraph (f) (5).

(4) Population or circulation increase, except as provided in paragraph (k) (2) of Order L-240 or paragraphs (f) (1) or (f) (2) of this supplement.

(5) Retarded circulation growth caused by a price increase in 1941 or 1942.

(6) Conservation of paper at any time except as provided in paragraph (f) (6).

[Note: Paragraphs (7) through (13) formerly (8) through (14). Former paragraph (7) deleted Aug. 12, 1944.]

(7) Change in number of advertising lines at any time, except as provided in paragraphs (f) (3) and (f) (4).

(8) Uncollected copies or circulation returns.

(9) Special events such as war bond drives, recruiting drives, war news, political news, etc.

(10) Inability to maintain or increase advertising lines under existing quotas.

(11) The fact that additional tonnage was granted on appeal to a competitor.

(12) Request to use in a newspaper started since December 31, 1942, more tonnage than that permitted in paragraph (m) of Order L-240.

(13) Consumption of print paper in violation of Order L-240, whether or not such violation was willful.

Procedure

(h) *How appeals are submitted.* Appeals from Order L-240 may be filed by addressing a letter in duplicate to the War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

(i) *Form of appeals.* The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the subdivision of paragraph (f) upon which the appellant relies, and the reasons why denial of the appeal would result in undue and excessive hardship.

(j) *Denials by administrator.* Appeals may be denied in the first instance by the administrator of the order.

(k) *Re-appeal from denial by administrator.* When an appeal has been denied by the administrator of the order, the appellant may re-appeal, within 15 days after the letter of denial is mailed, by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240. This letter may contain simply a request that the case be forwarded to the Appeals Board of the War Production Board. Any additional information which the appellant cares to submit at this time will also be forwarded to the Appeals Board.

(l) *Grant of appeals.* Although the administrator of the order may deny an appeal in the first instance, only the Appeals Board has the power to grant relief in individual cases from the provisions of the order.

(m) *Recommendation of grant by the administrator.* The administrator of the order may recommend that an appeal be granted in whole or in part. In that event the case shall be forwarded to the Appeals Board with the written recommendation of the administrator and the written concurrence or non-concurrence of each member of the Division Appeals

Committee, consisting of himself, the administrators of Orders L-241, L-244, and L-245, the Assistant Director of the Printing and Publishing Division for Labor, and representatives of the Office of Civilian Requirements and the Conservation Division.

(n) *Optional reference to Appeals Board by administrator.* The administrator of the order may, if he desires, refer a case to the Appeals Board with a recommendation of denial or with no recommendation at all.

(o) *Hearings by Appeals Board.* If the Appeals Board desires to obtain additional facts not contained in the file it may, in its discretion, hold a public hearing on any appeal. To the extent consistent with the necessity for emergency relief, a schedule of hearings shall be made up in advance. Information concerning the time and place of any scheduled hearing shall be available at the office of the Appeals Board at any time during business hours.

(p) *Conduct of hearing.* Hearings by the Appeals Board are open to the public. All interested parties may attend and, in the discretion of the Board, may be heard. The hearings are informal and the Board is not bound by legal rules of evidence. It is not necessary for an appellant to be represented by counsel although he may do so if he wishes.

(q) *Decision by Appeals Board.* The Appeals Board may grant or deny an appeal in whole or in part. It may also attach conditions to a grant.

(r) *Finality of decisions.* The decisions of the Appeals Board shall be final, unless that Board elects to reopen the case.

(s) *Publication of grants.* Grants on appeals shall be announced publicly at least every two weeks.

(t) *Announcement of grounds of decision.* Whenever a grant is made for "unforeseen, unusual, extraordinary or emergency conditions" under paragraph (f) (8), a brief memorandum of the basis of the decision shall be made public by the Appeals Board within two weeks, and the decision shall be treated as a precedent in future situations of an identical character.

(u) *Amendment of supplement.* Whenever a new standard is developed, the supplement shall be amended to set forth that standard.

(v) *Public files.* Public files shall be set up in all cases, including those filed before as well as after October 7, 1943, whether or not they resulted in a grant. They shall be available for public inspection at any time during the business hours of the War Production Board. The public files shall include:

1. All papers filed by the appellant in support of the appeal except those portions which contain confidential data.
2. All memoranda by War Production Board officials containing recommendations for or against the allowance of the appeal.
3. Copy of all letters of grant or denial.
4. A transcript of the record of any public hearing (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained).

(w) *False representations.* All grants on appeal are conditional upon the

validity of the statements submitted in support thereof. Any person who willfully conceals a material fact or furnishes false information in connection with an appeal, whether orally or in writing, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both, as provided in section (35) (A) of the United States Criminal Code.

Issued this 12th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12146; Filed, August 12, 1944;
5:18 p. m.]

PART 1102—AGAR

[General Preference Order M-96, Revocation]

Section 1102.1 *General Preference Order M-96* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12174; Filed, August 14, 1944;
11:26 a. m.]

PART 1188—RAILROAD EQUIPMENT

[Limitation Order L-97-d, Direction 1]

SUSPENSION OF FILING REQUIREMENTS

The following direction is issued pursuant to Limitation Order L-97-d:

(a) Until further notice, manufacturers of critical components for railroad equipment covered by Limitation Order L-97-d are excused from filing Forms WPB-3000 and WPB-3001, except with respect to the critical components listed below in paragraph (d).

(b) Each manufacturer's shipping schedule of critical components which has been filed with the War Production Board before August 14, 1944, on Form WPB-3001 remains a frozen schedule under Priorities Regulation 18.

(c) Each manufacturer who is excused by paragraph (a) should maintain on and after August 14, 1944, his shipping schedule of each critical component in such manner as to be readily transferable to Form WPB-3001. In arranging the sequence of shipments, he shall be governed by Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. These shipping schedules will not be considered frozen schedules except as to the shipping dates of purchase orders which are already part of a frozen schedule under paragraph (b).

(d) Manufacturers must continue to file the applicable forms under Order L-97-d with respect to the following critical components:

Beds.
Clasp brakes.
Frames.
Live steam injectors.
Mechanical lubrication equipment.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12175; Filed, August 14, 1944;
11:26 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Limitation Order L-211, Sch. 15 as Amended
Aug. 14, 1944]

HOT-ROLLED CARBON STEEL BARS

Section 3102.16 *Schedule 15 to Limitation Order L-211* is amended to read as follows:

§ 3102.16 *Schedule 15 to Limitation Order L-211 (a)—Definitions.* For the purpose of this schedule:

(1) "Hot-rolled carbon steel bars" means carbon steel bars in either straight bar or coil form produced from billets or blooms by hot-rolling, without subsequent processing for accuracy of cross-section or to impart special surface finishes. The term does not include tool steel bars, file steel bars, or concrete reinforcement bars.

(2) "Bars" means rounds, squares, round-cornered squares, hexagons, ovals, half-ovals, half rounds, and bar size shapes (angles, channels, and tees under 3 inches on both legs). Rounds, squares, and hexagons having dimensions in excess of those shown in Table 1 of this schedule (classified as forgings), and flats as defined in section 8 of the American Iron and Steel Institute Steel Products Manual, Revision June, 1943, are not within the scope of this definition.

(3) "Carbon steel" means steel other than alloy steel as defined in Order M-21-a, but does not include wrought iron.

(b) *Restrictions on sizes.* No person shall produce or deliver hot-rolled carbon steel bars of any type listed in Table 1 within the range of sizes there listed, except in the sizes listed in that table.

(c) *Acceptance of delivery.* No person shall accept delivery of any hot-rolled carbon steel bars which he knows or has reason to believe have been produced or delivered in violation of the provisions of paragraph (b) of this schedule.

(d) *Exceptions.* The provisions of this schedule shall not prevent:

(1) Delivery or acceptance of hot-rolled carbon steel bars which because of errors in manufacture do not conform to the requirements of this schedule, providing such requirements are waived by the purchaser.

(2) Production, delivery, or acceptance of hot-rolled carbon steel bars specifically permitted in writing by the War Production Board.

(e) *Records.* Each person owning or possessing hot-rolled carbon steel bars excepted by the provisions of paragraph (d) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

Type of M-293 product	Designation	Applicable forms columns			
		1 Operations report	2 Shipping sched- ule ²	3 Applica- tion and authori- zation	4 Calendar months frozen ⁴
10. Boilers and boiler units, exclusive of those for marine shipboard or locomotive use: ¹					
a. Boilers and boiler units (including such auxiliaries as superheaters, desuperheaters and water walls or water-cooled furnaces, when such auxiliaries are fabricated by the manufacturer who reports and fabricates the related boiler) of any type listed below if such boilers and boiler units are (i) designed for a steam pressure of more than 15 pounds per square inch, and (ii) have a boiler heating surface of 500 square feet or more, but less than boilers and boiler units listed in c below:					
(i) Water tube.....					
(ii) Scotch marine.....					
(iii) Horizontal return tubular.....	X		1790		10
(iv) Refractory lined firebox.....					
(v) Oil country.....					
b. Boilers and boiler units designed for steam pressures over 15 pounds per square inch, all sizes, of the following types:					
(i) Waste heat.....					
(ii) Dowtherm.....	XY		1790	2645	
(iii) Mercury.....					
(iv) Electric (electrode type only).....					
c. Boilers and boiler units listed in a above which have a combined boiler, water wall, economizer, and air heater heating surface of 3,000 square feet or more.....	XY		1790	2645	
d. Boiler auxiliaries, such as superheaters, desuperheaters, economizers, air heaters and water walls or water-cooled furnaces, (i) for a new boiler installation if fabricated by a manufacturer other than the manufacturer reporting and fabricating the related new boiler, or (ii) for a boiler unit already in use.....	X		1790		12
11. Pulverizers and related combustion equipment installed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for marine shipboard and locomotive use.....	X		1790		12
12. Automatic stokers designed for burning solid fuel, with an active projected grate surface in excess of 36 square feet, excluding stokers for locomotive use. The term active projected grate surface means grate surface through which air is supplied to the fuel bed, either continuously or intermittently.....	X		1790		12
13. Soot blowers—any device using steam or air to blow soot, cinders, or slag from the heating surfaces of furnaces, boilers, stills and other types of direct-fired heat exchangers, excluding those for locomotive or marine use.....		732	3003		3
14. Steam condensers (surface, jet and barometric), inter and after condensers, and air ejectors, or any combination thereof, including marine condensers and air ejectors other than those produced for the United States Navy for use on ships.....			3003		8
15. Power frequency changers, 62½ cycles and below.....			1790		8
16. Synchronous condensers.....			1790		8
17. Oil circuit breakers of 2,200 volts or higher.....			21780		5
18. Air circuit breakers except types AB, ET, or similar.....			21790		5
19. Metal clad switchgear containing oil or air circuit breakers listed in 17 and 18 above and power switchboards.....	X		21790		6
20. Liquid-filled and dry-type power or distribution transformers, 250 KVA and larger; unit substations and unit load centers containing such transformers.....	Y			2643	
21. Liquid-filled and dry-type power or distribution transformers, smaller than 250 KVA, having special features, design characteristics or accessories as defined in paragraph a of Block 4 of the instructions on Form WPB-2643. (Revoked.).....	Y			2643	
22. Crankshafts, finished, open hammer forged and press forged; also finished cast crankshafts for engines of 750 r. p. m. and less.....	X	878C	878C		3
24. Hydraulic governors except for aircraft application.....	X		3003		3

¹ See Table 14 of this order for listings of land boilers not included in this Table 8.

² A manufacturer of these products may file on Form WPB-3003 at his option.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12178; Filed, August 14, 1944;
11:26 a. m.]

PART 3270—CONTAINERS

[Order L-317, Direction 2]

OFFICERS' MESSES ASHORE

The following direction is issued pursuant to Order L-317:

The words "U. S. Navy" as used in paragraph (t) (1) of Order L-317 include Officers' Messes ashore.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12179; Filed, August 14, 1944;
11:26 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-310, General Direction 5, as Amended Aug. 14, 1944]

RESTRICTION ON PROCESSING OF CATTLEHIDE, CALFSKIN AND KIP

The following amended direction is issued pursuant to General Conservation Order M-310:

Effective July 1, 1944 and until further notice no tanner shall put into process for his own account in any calendar quarter, in excess of 300% of the monthly average number of cattlehides, calfskins or kips, respectively, which he put into process for his account during 1942.

Effective July 1, 1944 and until further notice, no tanner shall put into process for the account of others in any calendar quarter in excess of 300% of the monthly average number of cattlehides, calfskins or kips, respectively, which he put into process for the account of others during 1942.

Effective July 1, 1944, and until further notice, no contractor or converter shall cause to be put into process for his account in any calendar quarter in excess of 300% of the monthly average number of cattlehides, calfskins or kips, respectively, which he caused to be put into process for his account during 1942.

During the third calendar quarter of 1944, this direction shall not apply to kips.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12172; Filed, August 14, 1944;
11:26 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-45, Revocation]

JEWELRY

Section 3291.195 General Limitation Order L-45 restricting the use of karat gold and palladium in the manufacture of jewelry is hereby revoked.

This revocation does not affect any liabilities accrued under the order. The manufacture and production of jewelry remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 14th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12173; Filed, August 14, 1944;
11:26 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-602]

THE WICHITA BEACON

The Wichita Beacon is a corporation with its principal office in Wichita, Kansas. It is engaged in the business of publishing a daily newspaper known as The Wichita Beacon. In the first, second, and third quarters of 1943, it used or caused to be used in the publication of its newspaper, 83.86 tons, 30,782 tons, and 9.99 tons respectively, of print paper in excess of its quotas for such quarterly periods as established by Limitation Order L-240 and in violation of that order. The officers of the company were familiar with the provisions of Limitation Order L-240 and the violations were wilful, but there were extenuating circumstances. This excessive use of paper has diverted scarce material to uses not authorized by the War Production

Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.602 *Suspension Order No. S-602.* (a) The Wichita Beacon, its successors or assigns, shall reduce its use of print paper during the balance of the third quarter of 1944 by 22.5 tons, during the fourth quarter of 1944 by 45 tons, and during the first quarter of 1945 by 22.5 tons under the consumption quota it would otherwise be entitled to use during those periods as specified by the provisions of Limitation Order L-240, unless otherwise authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve The Wichita Beacon, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance and shall expire on March 31, 1945.

Issued this 11th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12099; Filed, August 11, 1944;
4:28 p. m.]

Chapter XI—Office of Price Administration

PART 1346—BUILDING MATERIALS

[RMPR 206, Amdt. 5]

VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 206 is amended in the following respects:

1. Section 4.1 is amended to read as follows:

SEC. 4.1 *Maximum prices for "pick-up basis" and for "less-than-carload shipments by rail."* (a) (1) Any manufacturer making sales on a "pick-up basis," f. o. b. factory, from a factory located within the Eastern Area, as defined in section 5.1 of this regulation, or any manufacturer making sales in "less-than-carload shipments by rail" delivered to a destination point within such area, may increase his established March 1942 maximum price by an amount not in excess of an amount determined in the following manner: Reduce the discounts established during the month of March 1942 for sales of sewer pipe products covered by discount numbers 1 to 7, inclusive, by 3 points, those covered by discount numbers 8 to 16, inclusive, by 4 points, of the tables of list prices set forth in section 5.2 of this regulation.

*Copies may be obtained from the Office of Price-Administration.

18 F.R. 1428, 16995; 9 F.R. 4349.

No. 162—3

(2) In the case of sales of sewer pipe products sold f. o. b. factory on a "pick-up basis" or for "less-than-carload shipments by rail" within the States of Iowa, Minnesota, North Dakota, South Dakota, and Zones 3 and 4 in the State of Wisconsin, as defined in section 8.1 below, sellers may add 11.4 percent to the highest prices charged during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

(3) In the case of sales of sewer pipe products sold f. o. b. factory on a "pick-up basis" or for "less-than-carload shipments by rail" within the East Central Area, as defined in section 7.1 below, sellers may add 8 percent to the highest price charged during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

(4) Maximum prices for the sale of sewer pipe products sold f. o. b. factory on a "pick-up basis," except the St. Louis Metropolitan Area, and for "less-than-carload shipments by rail" into all areas of the United States not specifically covered by subparagraphs (1), (2), and (3) above, shall be a price not in excess of

the highest price charged for delivery on a "pick-up basis" and for "less-than-carload shipment by rail" during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

(b) Maximum prices for the sale of sewer pipe products sold f. o. b. factory on a "pick-up basis" and/or "delivered" for the St. Louis Metropolitan Area are established in section 8.4 (e) of this regulation.

The term "pick-up basis" when used in reference to a sale means a transaction in which a purchaser takes delivery of sewer pipe products at the factory and removes the sewer pipe products from the factory by conveyance provided by the purchaser.

The term "less-than-carload shipment" means a shipment or quantity of vitrified clay sewer pipe and allied products which totals less than the minimum weight as set forth in the tariffs of railroad carriers upon which the railroad carload rate from the point of shipment to the point of destination is based.

2. The table which now appears in section 7.3 is hereby deleted and the following table is substituted in its place:

Discount number	Illinois, zones 1, 2, and 5	Wisconsin, zones 1 and 5	Wisconsin zone 2	Michigan, upper peninsula	Indiana	Kentucky
1.....	61	59	57	57	64	64
2.....	54	51	49	49	61	59
3.....	54	51	49	49	59	59
4.....	61	62	60	60	63	65
5.....	61	62	60	60	63	65
6.....	57	55	53	53	67	62
7.....	57	55	53	53	64	62
8.....	61	59	57	57	64	62
9.....	55	53	50	50	53	55
10.....	59	48	45	45	53	55
11.....	61	59	57	57	64	62
12.....	47	45	43	43	64	62
13.....	42	40	37	37	64	62

3. The table which now appears in paragraph (b) of section 7.4 is hereby deleted and the following table is substituted in its place:

Large sewer pipe (inside diameter, inches)	Illinois zones 1, 2, and 5		Wisconsin zones 1, 2, and 5		Upper peninsula of Michigan		Indiana		Kentucky	
	Single strength	Double strength	Single strength	Double strength	Single strength	Double strength	Single strength	Double strength	Single strength	Double strength
27 ft., per foot.....	\$3.62	\$3.40	\$3.13	\$3.50	\$3.13	\$3.50	-----	\$3.55	-----	-----
30 ft., per foot.....	3.34	3.72	3.59	3.83	3.59	3.83	-----	3.72	-----	-----
33 ft., per foot.....	-----	5.17	-----	5.31	-----	5.31	-----	5.14	-----	-----
36 ft., per foot.....	5.59	5.83	5.52	6.09	5.52	6.09	-----	5.85	-----	-----
27 ft., per foot.....	2.89	3.67	2.95	3.18	2.95	3.18	\$2.52	2.62	-----	-----
30 ft., per foot.....	3.13	3.40	3.23	3.56	3.49	3.55	2.89	2.89	-----	-----
33 ft., per foot.....	-----	4.74	-----	4.69	-----	4.69	3.63	3.63	-----	-----
36 ft., per foot.....	4.60	5.41	5.17	5.65	5.17	5.65	4.53	4.53	-----	-----

4. The table which now appears in paragraph (c) of section 7.4 is hereby deleted and the following table is substituted in its place:

Large sewer pipe (inside diameter, inches)	Illinois zones 1, 2, and 5		Wisconsin zones 1, 2, and 5		Upper peninsula of Michigan		Indiana		Kentucky	
	Single strength	Double strength	Single strength	Double strength	Single strength	Double strength	Single strength	Double strength	Single strength	Double strength
27 ft., per foot.....	\$3.18	\$3.59	\$3.49	\$3.67	\$3.49	\$3.67	-----	\$3.50	-----	-----
30 ft., per foot.....	3.59	3.63	3.67	4.04	3.67	4.04	-----	3.83	-----	-----
33 ft., per foot.....	-----	5.83	-----	5.55	-----	5.55	-----	5.34	-----	-----
36 ft., per foot.....	5.52	6.09	5.73	6.31	5.73	6.31	-----	6.03	-----	-----
27 ft., per foot.....	2.65	3.23	3.13	3.34	3.13	3.34	\$2.65	2.65	-----	-----
30 ft., per foot.....	3.59	3.61	3.49	3.72	3.49	3.72	2.95	2.95	-----	-----
33 ft., per foot.....	-----	4.69	-----	5.12	-----	5.12	4.17	4.17	-----	-----
36 ft., per foot.....	5.17	5.65	5.59	5.83	5.59	5.83	4.75	4.75	-----	-----

5. A new paragraph (d) is hereby added to section 7.4 to read as follows:

(d) Any person purchasing sewer pipe products for resale in the same form may add to his maximum prices established on or prior to August 17, 1944, an amount not exceeding the actual dollars-and-cents increased cost to him resulting from the increase in maximum prices permitted manufacturers of sewer pipe products under section 7.3 and paragraphs (b) and (c) of section 7.4, as amended.

This Amendment No. 5 shall become effective August 17, 1944.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12107; Filed, August 12, 1944;
11:24 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 524, Amdt. 2]

USED TIGHT COOPERAGE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 524 is amended in the following respects:

1. In section 1 the first sentence is amended to read as follows: "Regardless of any contract or other obligation, no person may sell or deliver, and no person may buy or receive used tight cooperage or the service of reconditioning such cooperage at prices higher than those contained in this regulation."

2. Section 2 (b) is amended to read as follows:

(b) *Transactions covered.* This regulation covers all sales and purchases of used tight cooperage and the service of reconditioning such cooperage within the continental limits of the United States.

3. In section 3 the first sentence is amended to read as follows: "The maximum prices for used tight cooperage and the service of reconditioning such cooperage are shown in the following tables:"

4. Section 4 is amended to read as follows:

SEC. 4. *Sales for which prices are not specifically established.* Any person desiring to make a sale of items covered by this regulation on the domestic market and whose selling price is not specifically established by the regulation shall make application to the Lumber Branch, Office of Price Administration, Washington, D. C., for a price. The application must

contain a complete description of the item to be priced, the applicant's March 1942 selling price of the item if he sold such item at that time, his requested selling price and his method of arriving at that price, including material, labor, transportation, storage or any other such factors affecting the requested selling price.

The requested selling price may be used pending approval of a price by this office, subject, however, to adjustment to the price finally approved. Prices not disapproved within 20 days from the receipt of application containing the necessary information for establishing a price are approved until specifically revoked.

5. Section 5 (b) is amended to read as follows:

(b) *Peddler.* One who obtains used barrels from emptiers for the purpose of resale and makes local delivery to purchasers or, in the case of shipment by rail, makes delivery to freight car without storing, selecting or reconditioning them.

6. In section 5, paragraph (c) to (j), inclusive, are redesignated paragraphs (d) to (k), inclusive, and a new paragraph (c) is added to read as follows:

(c) *Accumulator.* An emptier who empties barrels at two or more separate points and transports and stores them for resale at a storage warehouse at some other location.

This amendment shall become effective August 17, 1944.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12108; Filed, August 12, 1944;
11:26 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 141]

MILEAGE RATIONING: GASOLINE REGULATION

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.8169 (a) is revoked.

This amendment shall become effective August 16, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12109; Filed, August 12, 1944;
11:26 a. m.]

* 8 F.R. 15937.

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 353, Amdt. 5]

CERTAIN FINE CHEMICALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 353 is amended in the following respects:

1. At the end of the heading the words "Methyl Salicylate and Berberine Salts" are substituted for the words "and Methyl Salicylate."

2. To the list of commodities set out in §§ 1396.51 (a) and 1396.57 (a) (2) the following additional commodity is added:

Berberine salts.

3. The following new subparagraph is added to § 1396.57 (a):

(26) "Berberine salts" means the sulfato, bisulfate or hydrochloride salts of the alkaloid berberine.

4. The following new paragraph is added to § 1396.59:

(n) *Berberine salts*—(1) *Sales by producers and primary distributors.* The maximum prices for sales of berberine salts by producers and primary distributors are established as follows:

BERBERINE SALTS—PRODUCERS AND PRIMARY DISTRIBUTORS (MAXIMUM PRICE PER POUND)

Container size	Sold in quantities of	
	10 lbs. and over	Less than 10 lbs.
5 lbs. or larger.....	\$36.25	\$36.50
1 lb.....	36.50	36.75
½ lb.....	37.00	37.25
1 oz.....	42.08	42.40
½ oz.....	50.08	50.40

(2) *Sales by resellers.* The maximum prices for sales of berberine salts by resellers are established as follows:

BERBERINE SALTS—RESELLERS (MAXIMUM PRICE PER POUND)

Container size:	Sold in quantities of less than 1 lb.	
¼ pound.....		\$48.44
1 ounce.....		55.20
½ ounce.....		65.28

This amendment shall become effective August 17, 1944.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12110; Filed, August 12, 1944;
11:26 a. m.]

* 8 F.R. 3951, 6441, 13125, 16155; 9 F.R. 3648.

* Copies may be obtained from the Office of Price Administration.

* 9 F.R. 3351, 4687.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,¹ Amdt. 41]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respect:

A new item is added to § 1407.243 to read as follows:

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
No. 19 (Sept. 1, 1944, to date to be announced by the Office of Price Administration).	Book Four, Sugar Stamp 33.	5 pounds.

This amendment shall become effective August 16, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 64, 8 F.R. 7093, 9 F.R. 4319)

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12111; Filed, August 12, 1944; 11:27 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,² Amdt. 42]

SUGAR

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respect:

Section 1407.163b (a) is amended by substituting in the first sentence of the last paragraph the words "County Agricultural Adjustment Administration Committee" for the words "United States Department of Agriculture War Board".

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 4099, 4350, 4474, 4880, 5220, 5254, 5166, 5426, 5346.

² 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 3944, 4099, 4350, 4474, 4880, 5220, 5254, 5166, 5426, 5346.

This amendment shall become effective August 16, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 64, 8 F.R. 7093, 9 F.R. 4319)

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12112; Filed, August 12, 1944; 11:28 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[MPR 381,¹ Amdt. 5]

STOCK SCREEN GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

1. In section 3, paragraph (c) is relettered (d) and a new paragraph (c) is added to read as follows:

(c) *Addition to maximum prices for retail sales.* When a regular dealer purchases from other than a factory or factory warehouse and pays inbound common carrier freight from his normal sources of supply in excess of \$0.75 per hundred pounds, the regular dealer may increase his maximum prices for retail sales of screen doors or extension window screens or knocked-down window screen frames by 2 percent of list price, and he may increase his maximum prices for retail sales of combination doors by 3 percent of list price.

2. In section 4 (a), sub-paragraph (2) is amended to read as follows:

(2) In sales to distributors, when the shipment originates at any place other than a factory or factory warehouse:

(i) The seller cannot charge for delivery when delivery is made by the seller's own truck.

(ii) When shipment is made by common carrier, any seller who allowed freight in March 1942 must allow freight to the same extent as he did in March 1942, but not in excess of \$0.75 per hundred pounds. Sellers who allowed no freight in March 1942 may continue to allow no freight.

3. Section 7 is amended to read as follows:

SEC. 7. *Records and reports*—(a) *Records.* Sellers must keep records which will show a complete description of the items of stock screen goods sold, the

¹ 8 F.R. 6159, 7198; 9 F.R. 2300, 4608, 6915.

name and address of the buyer (except in retail sales), the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller (except in retail sales). These records must be kept for two years, covering any month in which the seller or buyer sold or bought \$200 or more of stock screen goods.

(b) *Reports.* All regular dealers who increase their retail prices on screen doors, extension window screens or combination doors in accordance with the provisions of section 3 (c) shall report to the Lumber Branch, Office of Price Administration, Washington 25, D. C. the names of their regular suppliers of these products, the origin and destination of inbound shipments, the freight rates per hundred pounds, the amount of freight allowed by the supplier, and the quantity of screen goods and combination doors received from such regular suppliers. Such reports shall be made by September 1, 1944 to cover the period July 1, 1943 to June 30, 1944. No report shall be required for any period after June 30, 1944, except that a seller who advances his prices under section 3 (c) after, but not before, December 31, 1944, shall submit a report giving the above information for the most recently completed twelve month period prior to such price advance.

This amendment shall become effective August 17, 1944.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12113; Filed, August 12, 1944; 11:25 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,¹ Amdt. 75]

HOME BUILDING MATERIALS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

MPR 373 is amended in the following respects:

¹ 8 F.R. 5323, 6353, 6349, 7200, 7457, 8364, 8559, 10270, 10606, 10934, 11247, 11437, 11849, 12239, 12703, 13023, 13342, 13500, 14139, 14305, 14633, 15253, 15369, 15851, 15852, 16306, 16397, 15852, 17201; 9 F.R., 173, 393, 580, 584, 1163, 1487, 1489, 1523, 1530, 2177, 2859, 5163, 5438, 5452, 6259, 6310, 6313, 6314, 6918, 6935, 7262, 7424.

1. A new section 69 is added to read as follows:

SEC. 69. Maximum prices for sales of home building materials at wholesale—

(a) *What is covered by this section.* This section establishes maximum prices for sales at wholesale of the home building materials listed in Appendix A.

(b) *Wholesalers' maximum prices.* If you are a wholesaler of any home building material item listed in Appendix A, your maximum prices shall be determined as follows:

(1) For out of stock sales of any item manufactured outside the Territory of Hawaii (i. e. all items except those listed under the classification Brick):

First, add the manufacturer's selling price and your "landing cost," computed in accordance with the provisions of paragraph (e). Then multiply this amount by the applicable multiplication factor listed in Appendix A for the particular item and class of purchaser involved. The resulting price shall be your maximum price.

(2) For sales on a drop shipment basis of any item manufactured outside the Territory of Hawaii (i. e. all items except those listed under the classification Brick):

Your maximum price shall be the maximum price established by sections 2 and 3 of the General Maximum Price Regulation for the Territory of Hawaii.

(3) For sales of any locally manufactured item (i. e. all items listed under the classification Brick): Add the manufacturer's selling price and the applicable dollars and cents markup listed in Appendix A for the particular item and class of purchaser involved. The resulting price shall be your maximum price.

(4) For sales of any item purchased from another wholesaler: If you purchase any home building material item from another wholesaler, you must secure a written record of your supplier's maximum price, and your maximum price shall be your supplier's maximum price.

(c) *Effect of changes in the manufacturer's selling price.* All changes in the manufacturer's selling prices shall be reflected in the computation of your maximum price under paragraph (b) above, as of the date merchandise is received in the Territory at the adjusted price. For example, your manufacturer of Wall Board reduces his selling price from \$29.00 MBM to \$28.00 MBM. At the time you receive a new purchase of this item from him in the Territory at the reduced price, i. e., \$28.00 MBM, you must reflect this figure in establishing

your maximum price for sales of that item in accordance with the provisions of subparagraphs (b) (1) and (b) (3). Accordingly, the reduced price (\$28.00 MBM) shall be used in computing your maximum price regardless of whether or not you have stocks on hand at the time which have been purchased at the higher price. The same rule applies in the computation of your maximum price when your manufacturer's selling price has increased: *Provided*, That such increased price shall not exceed the established maximum price for sales by your supplier to you.

(d) *Inability to price.* If you are unable to determine your maximum price for any article covered by this section under the pricing provisions set forth in paragraph (b), above, you shall apply the provisions of section 9a of this regulation to determine your maximum price.

(e) *"Landing cost" for items imported from outside the Territory of Hawaii.*

(1) "Landing cost" for items imported from outside the Territory of Hawaii shall be computed by adding the amounts permitted in subdivisions (i) through (v) set forth below. If any of the amounts, or any part thereof, specified in any of these subdivisions, has already been included in another subdivision, it may not again be added.

(i) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the mainland point at which the purchaser received delivery to the mainland port of shipment (including Federal transportation tax and terminal charges) not in excess of public (common or contract) carrier rates.

(ii) An amount equal to mainland storage charges and insurance in connection therewith actually incurred by the purchaser. The charges for storage and insurance in connection therewith in excess of three months shall not be included.

(iii) An amount equal to cartage charges actually incurred by the purchaser for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(iv) An amount equal to charges for ocean freight, War Risk and Marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of War Risk insurance exceeds the rates charged by the War Shipping Administration shall be included, but the type of coverage is at the discretion of the buyer and seller.

(v) An amount equal to cartage charges in the Port of Entry in the Territory of Hawaii from dock to the establishment of the purchaser, computed at a rate not in excess of prevailing (common or contract) carrier rates: *Provided*, That the commodity is moved from the dock at the purchaser's expense.

(2) Weighted average "landing cost". If an identical item on hand in the wholesaler's stock has two or more different "landing costs," then the landing cost for the item may, at the option of the seller, be determined by calculating a weighted average "landing cost" for the entire inventory of that identical item on hand. Weighted average "landing cost" shall be calculated as follows:

(i) Each different "landing cost" shall be multiplied by the number of units having such "landing cost." The products of such multiplication shall be added and the sum thereof divided by the total number of units for which the weighted average "landing cost" is desired. The quotient or result of such division is the weighted average "landing cost."

(f) *"Landing cost" in cases of inter-island shipments.* In the case that any item covered by this section is shipped from one island to another island in the Territory of Hawaii, the "landing cost" for such inter-island shipment may be added only after the maximum prices for such items have been computed under paragraph (b) above. "Landing cost" for inter-island shipments will be computed by adding the amounts permitted in subparagraph (1) through (3) set forth below.

(1) An amount equal to cartage charges actually incurred for cartage from warehouse to dock in the island from which the item was shipped, not in excess of prevailing public (common or contract) carrier rates.

(2) An amount equal to charges for ocean freight, War Risk and Marine insurance actually incurred for shipment between the islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of War Risk insurance exceeds rates charged by the War Shipping Administration shall not be included, but the type of coverage is at the discretion of the buyer and seller.

(3) An amount equal to cartage charges on the island of final destination, from dock to the establishment of the purchaser, computed at a rate not in excess of prevailing public (common or

contract) carrier rates, *Provided*, That the commodity is moved from the dock at the wholesaler's expense.

(g) *Delivery charges.* (1) No charge shall be made for deliveries within a radius of 5 miles of the seller's warehouse or place of business of any of the home building materials listed in Appendix A, except those items specifically listed therein as sold on a f. o. b. basis; for example, cement in quantities of 100 bags. However, you may not refuse to make free delivery within the free zone unless it was not your practice as a seller during April 1942 to make free deliveries in this zone.

(2) For deliveries of items listed in Appendix A as priced on a f. o. b. basis, and for deliveries of all other items listed in Appendix A to points beyond a radius of 5 miles of the wholesaler's warehouse or place of business, the wholesaler may add an amount not in excess of the charges currently made by public (common or contract) carriers for similar services, except that in the case of sales of brick the wholesaler must add the delivery charges set forth in Appendix A for that item. Any charges made for delivery must be separately stated and shown on the invoice used in connection with the sale.

(h) *Records and invoices.* The following provisions regarding records and invoices shall apply in lieu of the provisions of paragraphs (a) and (c) of section 10 of this regulation.

(1) *Purchase records:* If you make sales at wholesale of any article listed

and described in Appendix A, you must keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article, showing

(i) The date of purchase and the date of receipt.

(ii) The name and address of the seller.

(iii) A description of the article purchased.

(iv) The price paid or charged.

(v) The quantity purchased.

(vi) All data including the purchase, freight and other invoices or memoranda reflecting the charges incurred by you in arriving at your landing cost.

(2) *Sales invoices:* If you make sales of any item listed in Appendix A at wholesale, you shall invoice each sale of each such item. The original invoice shall be delivered to the buyer and shall state:

(i) Date of sale.

(ii) The name and address of the seller and buyer.

(iii) Itemized list of the articles sold.

(iv) A complete description of the articles sold, including grade, quantity, size, make or any other pertinent specification.

(v) The price charged or received.

(vi) All delivery charges.

A copy of this invoice shall be made and kept by you for examination by the

Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect.

(1) *Definitions.* When used in this section, the term

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it f. o. b. factory, less all allowable discounts and allowances except cash discounts up to 2%, and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Regulation.

(2) "Out of stock sales" means sales of items which the seller carries in stock, sells out of stock and which were invoiced and shipped to the establishment of the seller.

(3) "Sales on a drop shipment basis" means sales of items which the seller does not carry in stock, which were not sold out of stock and which were not shipped to the establishment of the seller.

(4) "Sale at wholesale" means a sale by any person who maintains warehouse stock or renders a selling service, and who buys any home building material item listed in Appendix A and resells it, without materially changing its form, to plantations, industrial users, the United States Government, or any agency thereof, contractors, builders or retail dealers.

2. Appendix A is added to read as follows:

APPENDIX A

Classification	Description	Multiplication factor or dollars and cents markup on sales to contractors, builders, and industrial users and the United States Government	Multiplication factor or dollars and cents markup on sales to retail dealers
Cement	All types	1 to 99 bags, 1.35 delivered. 100 to 999 bags, 1.17½ f. o. b. wharf or warehouse. 1,000 and over, 1.10 f. o. b. wharf or warehouse.	1 to 99 bags, 1.35 delivered. 100 to 999 bags, 1.17½ f. o. b. wharf or warehouse. 1,000 and over, 1.10 f. o. b. wharf or warehouse.
Knobs and handles:		1.60	1.33½
Knobs, handles, escutcheons, roses, key plates, push buttons, lever handles, drop and ring handles.			

APPENDIX A—Continued

Classification	Description	Multiplication factor or dollars and cents markup on sales to contractors, builders, and industrial users and the United States Government	Multiplication factor or dollars and cents markup on sales to retail dealers
Miscellaneous door hardware:	Door closers, door holders, door bumpers, doorstops, square spring bolts, door pulls, doorknob plates and push buttons, door bolts, checks (screen), fasteners (chain), thumb latches, push and kick plates, panic bolts, exit bolts, door stops.	1.60	1.33½
Window hardware:	Window bolts (casement window adjusters, casement window operators), French window bolts, blind hold backs, cash lifts, cash fasteners, pulleys, springs.	1.60	1.33½
Screen hardware:	Window screen brackets and corners, door screen brackets and corners, door screen catches, hooks (screen), springs (screen).	1.60	1.33½

APPENDIX A—Continued

Classification	Description	Multiplication factor or dollars and cents markup on sales to contractors, builders, and industrial users and the United States Government	Multiplication factor or dollars and cents markup on sales to retail dealers
Miscellaneous hardware: Letter box plates, number plates, name plates, house numbers, snap catches, closet locks, thumb latches, transom and sash pivots, transom chains, transom lifters, transom catches, spring window bolts, window safety catches, window safety locks.		1.60	1.33½
Hinges: Loose pin, ball bearing, frictionless hinge, plates, transom hinges, floor spring hinges, strap hinges, showcase hinges, screen door hinges, cabinet hinges, lavatory door strikes and keepers, spring hinges, screen hinges (double fold).		1.60	1.33½
Locks: Upright rim knob locks, padlocks, rim knob latches, cylinder rim dead locks, bathroom locks, sliding door locks, draw-back knob locks, horizontal rim knob locks, rim knob locks, communication door locks, school house locks, asylum latches, French door latches, cylinder apartment locks, cylinder hotel locks, cylinder sliding door locks, cylinder Mortise locks, key blanks for all types of doors.		1.60	1.33½
Insect screen cloth: Commercial bronze, galvanized, hand drawn copper, Koolshade fabric, plastic.	Full rolls	1.60	1.33½
Insect screen cloth: Commercial bronze, galvanized, hand drawn copper, Koolshade fabric, plastic.	Less than full roll	1.80	1.33½
Wall board—synthetic, except plywood: Canec.	All types and sizes of ½" thickness.	1.33½	1.20
Canec.	1" thickness.	1.23½	1.15
Masonite.	All types and sizes of hard boards processed from wood including Masonite, Presdwood, Tempr wood, and Quarter board.	1.50	1.33½
Flexboard.	All types and sizes of Flexboard products of Johns-Manville Sales Corporation.	1.40	1.33½
Asbestos cement board.	All types and sizes, except Flexboard.	1.40	1.33½
Plasterboard.	All types and sizes of gypsum board including wall-board, lath sheathing, liner board, tile and joint systems.	1.33½	1.20
Roofing materials (except clay tile roofing and wooden shingles): Composition and asbestos shingles.	All makes, types and sizes, single and multi-strip shingles used as but not confined to roofing and siding.	1.47	1.33½
Roll roofing.	All weights and widths of asphalt and/or tarred roll roofing, including mineral-surfaced and plain roofing and felts.	1.40	1.30

APPENDIX A—Continued

Classification	Description	Multiplication factor or dollars and cents markup on sales to contractors, builders, and industrial users and the United States Government	Multiplication factor or dollars and cents markup on sales to retail dealers
Steel roofing.	All gauges and sizes of steel and iron roofing material; corrugated, crimped or flat; galvanized, copper bearing or plain, used as but not confined to roofing, siding, ridge roll, ridge cap or flashing.	1.37½	1.30
Brick, all makes and sizes in lots of 1000 bricks or over: Gray or natural color bricks. Cinder brick. Red brick. Cinder brick and/or red brick.	Random pick. Random pick. Random pick. Hand picked.	\$20.00M. \$30.00M. \$30.00M. \$35.00M.	\$18.00M. \$27.00M. \$27.00M. \$32.00M.
(The above prices are f. o. b. factory)			
Delivery charges:—Honolulu proper—within 6 mile radius; \$3.00M beyond 6 miles—first 6 miles \$3.00M, and \$0.22 per M additional for each mile thereafter.			
Concrete hollow tile brick:			
Full tile.	12" x 8" x 16"	\$0.264 each.	\$0.264 each.
Half tile.	6" x 4" x 8"	\$0.132 each.	\$0.132 each.
Full tile.	10" x 8" x 16"	\$0.232 each.	\$0.232 each.
Half tile.	5" x 4" x 8"	\$0.166 each.	\$0.166 each.
Full tile.	8" x 8" x 16"	\$0.176 each.	\$0.170 each.
Half tile.	4" x 4" x 8"	\$0.088 each.	\$0.088 each.
Full tile.	4" x 8" x 16"	\$0.136 each.	\$0.130 each.
Half tile.	2" x 4" x 8"	\$0.068 each.	\$0.068 each.
Full tile.	3" x 8" x 16"	\$0.128 each.	\$0.128 each.
Half tile.	1½" x 4" x 8"	\$0.064 each.	\$0.064 each.
Full tile.	2" x 8" x 16" slab.	\$0.128 each.	\$0.128 each.
Half tile.	1" x 4" x 8" slab.	\$0.064 each.	\$0.064 each.
(The above prices are f. o. b. factory)			
Concrete hollow tile brick:			
Small units.	12" x 3½" x 12"	\$0.105 each.	\$0.105 each.
Small units.	12" x 3½" x 16"	\$0.09 each.	\$0.09 each.
Small units.	7½" x 3½" x 12"	\$0.07 each.	\$0.07 each.
Small units.	7½" x 3½" x 10"	\$0.065 each.	\$0.065 each.
Small units.	7½" x 3½" x 6"	\$0.04 each.	\$0.04 each.
Small units.	6¾" x 3½" x 12"	\$0.07 each.	\$0.07 each.
Small units.	6¾" x 3½" x 6"	\$0.035 each.	\$0.035 each.
Small units.	3¾" x 3½" x 12"	\$0.09 each.	\$0.09 each.
Small units.	3¾" x 3½" x 6"	\$0.03 each.	\$0.03 each.
Concrete block.	7" x 3½" x 7"	\$0.16 each.	\$0.16 each.
Concrete stepping stone.	12" x 2½" x 12"	\$0.30 each.	\$0.30 each.
(The above prices are f. o. b. factory)			
Window glass: All sizes of single and double strength, "B" quality.	In full case lots.	1.70	1.70
Nails: All sizes, lengths and gauges of nails included but not confined to common, box, finishing, casing, lath or roofing nails, galvanized, bright, blue or cement coated.	Less than keg lots.	1.70	1.70
All sizes, lengths and gauges of nails included but not confined to common, box, finishing, casing, lath or roofing nails, galvanized, bright, blue or cement coated.	In keg lots.	1.28	1.28
Paint: Exterior house paint.	Ready mixed or paste type.	1.40	1.33½
Flat wall finishes.	Ready mixed or paste type.	1.40	1.33½
Caseln lithopone or resin emulsion finishes.	Water thinned.	1.40	1.33½
Semi-gloss wall finishes.	Ready mixed or paste type.	1.40	1.33½
Pigmented wall primers and/or sealers.		1.40	1.33½
Floor and/or porch enamels or paints.		1.40	1.33½
Exterior concrete or stucco coating.	Oil base or water thinned.	1.40	1.33½
Roof paints, including shingle stains and asphalt coatings.		1.40	1.33½
Interior enamels and enamel undercoats.		1.40	1.33½
Varnish and shellac: Architectural varnishes.		1.60	1.45
Shellac and shellac substitutes.		1.60	1.15

APPENDIX A—Continued

Classification	Description	Multiplication factor or cents markup on sales to contractors, builders, and industrial users and the United States Government	Multiplication factor or cents markup on sales to retail dealers
Thinners:			
	Turpentine, pure gum or steam distilled.	1.50	1.33½
	Mineral paint thinners for oil base paints or varnishes.	1.50	1.33½
	Linseed oil and substitute linseed oil.	1.50	1.33½
Plumbing:			
	Galvanized and black pipe.	1.33½	1.25
	Galvanized and black pipe fittings.	1.33	1.40
	Cast iron soil and drainage pipe.	1.34	1.28
	Cast iron soil and drainage pipe fittings.	1.44	1.35
Fixtures—staple:			
	Toilets, lavatories, kitchen sinks, vitreous china laundry trays, bath tubs, urinals, range boilers, and water heaters, except electric.	Less trim: 50 to 100 units..... 25 to 49 units..... 11 to 25 units..... 6 to 10 units..... 1 to 5 units.....	1.30..... 1.35..... 1.40..... 1.45..... 1.50.....
Fixtures—miscellaneous:			
	Cement laundry trays and shower stalls.	1.50	1.33½
Fixture trim:			
	All exposed metal or substitute trim as known to the trade, such as supply and waste fittings for bath tubs, lavatories, sinks, urinals, toilets, showers, trays, angle and straight supplies, basin faucets, lavatory plugs, shower valves, shower heads, faucet hole covers, flanges, tailpieces, traps, flush valves, toilet seats, shower rods, left wastes and chain stays.	1.50	1.33½
Repair parts for fixture trim:			
	Parts for items listed under "Trim" as known to the trade; also toilet tank flush valves, ballcocks, lift wires, stems, overflow and refill tubes, trap levers, floats, tank balls, washers, and closet seat bumpers.	1.60	1.40
Bathroom accessories:			
	Medicine cabinets, paper holders, tumbler and tooth brush holders, towel bars, shelves, robe hooks, towel hooks, soap holders.	1.70	1.33½

This amendment shall become effective as of June 15, 1944.

NOTE: The reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12114; Filed, August 12, 1944;
11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Rev. SR 14 to GMPR, Amdt. 162]

WET CORN MILLING PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

APPENDIX A—Continued

Classification	Description	Multiplication factor or cents markup on sales to contractors, builders, and industrial users and the United States Government	Multiplication factor or cents markup on sales to retail dealers
Oakum.	In bulk lots.....	1.33½	1.33½
Caulking lead.	To 4222..... 400-2222..... 1,000-1,6522..... Full roll..... Cut across sheet..... Cut to size.....	1.45..... 1.49..... 1.57..... 1.45..... 1.57..... 2.10.....	
Sheet lead.		1.50	1.50
Stock doors, windows and screen millwork.			1.33½
Hand tools.			
	Axes.		
	Barc—ripping.		
	Beryls—1.		
	Bits—auger and expansion.		
	Bits.		
	Braces.		
	Chisels—cold and wood.		
	Clamps—woodworking.		
	Coppers—soldering, electric and regular.		
	Cutters—pipe.		
	Dies.		
	Drills—automatic hand and twist.		
	Files.		
	Gauges—woodworking.		
	Hammers—claw and stone.		
	Hatchets.		
	Ladies—soldering.		
	Levels—woodworking and masons'.		
	Mallets.		
	Nail sets.		
	Picks.		
	Planes.		
	Pliers.		
	Plumb bobs.		
	Pots—soldering.		
	Reamers.		
	Rules—wood and push pull.		
	Saw sets.		
	Saws—hand (woodworking).		
	Screw drivers.		
	Shovels.		
	Snips.		
	Squares—woodworking.		
	Stocks and dies—pipe.		
	Stones—charpening.		
	Taps.		
	Vices—pipe and woodworking.		
	Wrenches—crescent and pipe.		

Section 6.41 is amended in the following respect:

Paragraph (b) is redesignated paragraph (c) and a new paragraph (b) is added to read as follows:

(b) *Adjustment of maximum prices.*

(1) The Office of Price Administration may adjust any maximum price established under this section for any manufacturer of wet corn milling products in bulk whose continued production is considered necessary to maintain essential supply, and who demonstrates that an adjustment is necessary in order:

(i) To cover its total cost of wet corn milling operations if its current over-all profits before income taxes are less than its corresponding base period profits (1936-1939); or

(ii) To cover its direct costs of wet corn milling operations if its current over-all profits before income taxes are as great as or greater than its corresponding base period profits.

(2) Applications for adjustment under this paragraph shall be filed by the manufacturer with the Office of Price

Administration, Washington, D. C., in the manner prescribed by Revised Procedural Regulation No. 1, and shall contain the following information:

(i) Description of applicant's business, including a list by major groups of all commodities manufactured.

(ii) Present and requested maximum prices.

(iii) Applicant's annual profit and loss statements prepared according to its usual system of accounts for 1936 to 1939 inclusive, and for 1943 (or for its accounting periods corresponding to those calendar years) and for its most recent accounting period.

(iv) If the applicant is engaged in activities other than wet corn milling, his profit and loss statement for his wet corn milling operations during the most recent six months period. The statement of wet corn milling operations should show separately:

1. Net sales.
2. Cost of goods sold.
 - (a) Material cost.
 - (b) Labor cost.
 - (c) Factory overhead.

3. Gross profit from sales.
4. Selling and advertising expense.
5. General and administrative expense.
6. Other operating expense.
7. Net profit from operations (before income taxes).

In addition, physical volume and dollar volume sales figures for each of the major classes of commodities produced by him in his wet corn milling operations must be furnished for the identical period for which the above data are submitted. Packaged goods and bulk goods must be shown separately.

NOTE: Filing of 1936-1939 data is optional provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue. If you have submitted any of this information on Office of Price Administration Financial Reporting Forms A and B for certain periods, or have reported the exact information requested herein on a previous application for adjustment of maximum prices, you may so indicate and omit these reports in your present report.

(3) The Price Administrator may, by order, grant or deny the application in whole or in part and, in connection with adjustment of applicant's maximum prices, may also adjust maximum prices of purchasers for resale. Any such order may be revised or revoked at any time by the Price Administrator.

This amendment shall become effective August 17, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12115; Filed, August 12, 1944;
11:26 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,¹ Amdt. 26 to 2d Rev. Supp. 1].

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 18) (OPA Form R-1313) which is made a part hereof.

This amendment shall become effective at 12:01 a. m., August 13, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9

¹ 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278.

F.R. 4319, and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 12th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12143; Filed, August 12, 1944;
4:35 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,¹ Amdt. 9 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by Revised Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 16-17) (OPA Forms R-1313 and 1611) which are made a part hereof.

This amendment shall become effective at 12:01 a. m., August 13, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 12th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12142; Filed, August 12, 1944;
4:33 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 43]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Correction

In F. R. Doc. 44-11069, appearing at page 9066 of the issue for Thursday, July 27, 1944, the price under column 5 for Item No. 31 in Table 5 should read "\$3.99".

In column 3 of Table A, "40-50 pounds" should read "46-50 pounds".

PART 1305—ADMINISTRATION

[Supp. Order 92,² Amdt. 1]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

A statement of the reasons involved in the issuance of this amendment has been issued simultaneously herewith and filed

* Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 6772, 6825, 7262, 7433, 8147, 8931, 9266, 9278.

² 9 F.R. 7502.

with the Division of the Federal Register.*

Section 1305.120 of Supplementary Order No. 92 is amended in the following respects:

1. In paragraph (a) subparagraphs (1) and (2) are amended and subparagraph (4) is added to read as follows:

(1) All goods covered by Revised Price Schedule and Maximum Price Regulation Nos. 7, 11 and 33.

(2) Class A print cloths covered by Revised Price Schedule No. 35.

(4) Terry products, huck and crash towels, and corded napkins covered by Maximum Price Regulation No. 118.³

2. Paragraphs (b) and (c) are amended to read as follows:

(b) In connection with any sale first made on or after June 30, 1944 of any of the goods referred to in subparagraphs (1) (2) and (3) of paragraph (a) and any delivery pursuant thereto, and in connection with any sale first made on or after August 12, 1944 of any of the goods referred to in subparagraph (4) of paragraph (a), and any delivery pursuant thereto, the producer may agree with his customer to adjust the price to conform to any revised ceiling price which may be established by the Office of Price Administration prior to the revocation of the relevant provisions of this supplementary order.

(c) The permission granted in paragraph (b) shall not apply to deliveries against contracts made prior to the relevant date set forth in that paragraph. No contract existing prior to that relevant date shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract), if the change so effected results in an agreed price in excess of the maximum price applicable to the original contract.

3. In footnote 1 the reference "Revised Price Schedule No. 89 (Bed Linens), 7 F.R. 715" is deleted.

This amendment No. 1 shall become effective August 12, 1944.

Issued this 12th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12139; Filed, August 12, 1944;
4:36 p. m.]

PART 1340—FUEL

[MPR 88, Amdt. 16]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

³ 7 F.R. 3038.

Maximum Price Regulation No. 88 is amended in the following respects:

1. Article IV is amended by substituting the term "70-74 Octane ASTM" for "72-74 Octane ASTM" wherever the latter term appears in such Article, and the price set forth for 72-74 Octane ASTM shall be reduced $\frac{1}{8}$ of a cent per gallon, except that the maximum price established under section 4.14 (a) for 72-74 Octane ASTM for shipment to destinations other than Petroleum Administration for War District 1 shall be reduced $\frac{1}{4}$ of a cent per gallon.

2. Sections 4.16 (a) and 4.41 (a) are amended by revoking the line in the table of each section reading as follows: "68-70 Octane ASTM unleaded... 5.75."

3. Section 5.1 is amended by substituting for the second paragraph thereof the following:

Quotations in the above named periodical for 68-70 Octane motor gasoline shall not be used in determining maximum prices. Quotations in the above named periodical for 80, 72-74 motor gasoline; for kerosene and/or No. 1 fuel, No. 2, No. 3, No. 5 and No. 6 fuel oil, as set forth on Page 42 of such publication under the heading "Atlantic Coast," shall be used only in determining a seller's maximum price for such products loaded into motor transports and tank cars.

4. Section 5.2 (c) is amended by inserting after the word "gasoline" in the first sentence thereof the phrase "other than 68-70 Octane ASTM gasoline."

5. Section 6.5 (e) is added to read as follows:

(e) *Reduction in maximum prices of gasoline, except tank wagon prices.* The sum of $\frac{1}{8}$ of a cent per gallon shall be deducted from maximum prices, except tank wagon maximum prices, determined under Article V, Article VIII, or section 1.9 for regular, housebrand or 72-74 Octane ASTM gasoline, or any automotive gasoline sold under any designation which is covered by the foregoing specifications and/or descriptions.

This amendment shall become effective August 15, 1944.

Issued this 12th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12140; Filed, August 12, 1944;
4:36 p. m.]

PART 1366—USED CONSUMER DURABLE GOODS

[MPR 516, Amdt. 1]

USED PHOTOGRAPHIC EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 2563.

No. 162—4

Section 17 is amended to read as follows:

SEC. 17. *Geographical applicability* This regulation applies in the forty-eight states of the United States, the District of Columbia, and the Territory of Hawaii.

This amendment shall become effective August 15, 1944.

Issued this 12th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-12141; Filed, August 12, 1944;
4:34 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 44]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Correction

In Table 3 in F.R. Doc. 44-11180, appearing at page 9090 of the issue for Friday, July 28, 1944, the price under column 5 for Item No. 8 should be "2.58".

In the table under footnote 2, the price per pound for containers under 20 pounds opposite item 3 should read "1/5 cent."

PART 1305—ADMINISTRATION

[Rev. Supp. Order 10]

JUDICIAL SALES

A statement of the considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act, of 1942, as amended, it is hereby ordered:

Sec.

1. Judicial sales excluded from operations of price schedules and maximum price regulations, except as specified.
2. Regulations not affected by this order.
3. Sales in course of trade.
4. Definitions.

AUTHORITY: § 1305.14 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 323, 78th Cong., E.O. 9250, 7 F.R. 7571; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Judicial sales excluded from operations of price schedules and maximum price regulations, except as specified.* Except as provided in sections 2 and 3 hereof, no provisions of any price schedule, maximum price regulation or other order issued by any office of the Office of Price Administration shall be deemed to apply to any sale, at auction

or otherwise, (a) held pursuant to the provisions of any order of sale made or entered by a State or Federal court, (b) held by a sheriff, constable, bailiff, marshal or other judicial officer pursuant to applicable State or Federal Law, or (c) held by a duly qualified executor or administrator, guardian or other legal representative in liquidating the assets of a decedent, minor or incompetent pursuant to applicable State law.

SEC. 2. *Regulations not affected by this order.* This order shall not apply to or affect any price schedule, maximum price regulation or other order issued by any office of the Office of Price Administration insofar as the same fixes the maximum price for the following commodities:

(a) *Machinery products.* (1) Second-hand machine tools as defined in and covered by Revised Price Schedule No. 1, or any amendment thereto.

(2) New machine tools as defined in and covered by Revised Price Schedule No. 67, or any amendment thereto.

(3) Any second-hand farm equipment sold at a price of \$100 or more. For the purpose of this subparagraph (3), "farm equipment" shall be defined as provided in Maximum Price Regulation No. 133, or any amendment thereto.

(4) Any second-hand machine or part sold at a price of \$100 or more. For the purpose of this subparagraph (4), "machine and part" shall be defined as provided in Maximum Price Regulation No. 136, or any amendment thereto.

(b) *Commodities under restrictive order.* (1) Commodities which in the hands of the seller or his legal successor or representative may not be sold or transferred, or may be sold or transferred only to specified persons or classes of persons, or under specified conditions, under applicable rules, regulations or orders of the War Production Board, Office of Price Administration or other governmental agency, or any official of any such.

(c) *Commodities subject to dollars and cents maximum prices.* (1) Commodities for which price regulations or orders establish a specific dollars and cents maximum price when sold by a seller otherwise affected by Revised Supplementary Order No. 10. By "specific dollars and cents maximum price" is meant a price specifically provided in a regulation or order (or incorporated therein by reference to a specific price list) the determination of which requires the application of no pricing formula, mark-up or other calculation.

(d) *Commodities subject to the following specific regulations or orders:*

MPR 110—Recall of New Household Mechanical Refrigerators.

MPR 111—New Household Vacuum Cleaners and Attachments.

MPR 133—Used Household Mechanical Refrigerators.

MPR 153—Recall of War Bicycles—Distributors and Dealers.

RMPR 162—Ceiling Prices for the Sale and Rental of Used Typewriters.

RMPR 213—New Coil and Flat Bed Springs.

MPR 294—Used Household Vacuum Cleaners and Attachments for Used Household Vacuum Cleaners.

MPR 318—Feathers and Down.

MPR 341—Maximum Prices for Used Commercial Motor Vehicles.

MPR 372—Used Domestic Washing Machines.

MPR 380—Used Metal Coil and Flat Bed-springs.

MPR 399—New Ice Boxes.

MPR 516—Used Photographic Equipment.

MPR 527—Used Domestic Gas Cooking Ranges.

Order 1470 under MPR 188—New Metal Cots and Double Deck Beds.

Order No. 1509 under MPR 188—Upholstered Sofa Beds, Studio Couches, and other Dual Purpose Sleeping Equipment.

Order No. 1849 under MPR 188—Inner Construction for Sofa Beds, Studio Couches and Other Dual Purpose Sleeping Equipment.

Sec. 3. Sales in course of trade. This order shall not apply to sales in the course of trade by a trustee in bankruptcy, receiver, administrator, executor, fiduciary, guardian, or other legal representative or officer of a court, engaged in continuing a business under court order or otherwise. All such sales shall remain subject to the provisions of all applicable price schedules and maximum price regulations of the Office of Price Administration.

Sec. 4. Definitions. Whenever used in this order the term:

(a) "Court" shall include a judge, referee in bankruptcy, commissioner, special master or other judicial officer.

(b) "Commodity" shall have the definition set forth in section 302 (c) of the Emergency Price Control Act of 1942.

(c) "Legal successor or representative" shall include a receiver, trustee in bankruptcy, administrator, executor, guardian or fiduciary.

Effective date. This Revised Supplementary Order No. 10 shall become effective August 19, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12184; Filed, August 14, 1944;
11:50 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 91,¹ Amdt. 2]

GARBAGE IN HAWAII

A statement to accompany this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1305.119 (a) (1) of Supplementary Order 91 is amended to read as follows:

(1) Those commodity transactions excepted from the General Maximum Price Regulation under the provisions of Revised Supplementary Regulation No. 1, except sales and deliveries of garbage.

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 7419, 8046.

This amendment shall become effective August 19, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12185; Filed, August 14, 1944;
11:47 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 528,¹ Amdt. 1]

TIRES AND TUBES, RECAPPING AND REPAIRING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 528 is amended in the following respects:

1. The first sentence in section 1 (a) (2) is amended to read as follows:

(2) This regulation applies to all sales of used rubber tires and tubes of a size and type listed in Appendix B, at both the retail and wholesale level, except sales for an ultimate purpose other than used on the wheel of a vehicle.

2. Section 1 (d) is amended to read as follows:

(d) *Geographical applicability.* This regulation applies in the 48 states of the United States, the District of Columbia, and the territories (except Alaska) and possessions of the United States.

3. In section 5 (b), the reference to section 10 is changed to read "section 9".

4. The first sentence in section 8 is amended to read as follows: "Every person engaged in the business of selling new tires or tubes at retail, in the business of selling recapped tires or used tires and tubes, or in the business of selling recapping, or tire or tube repairing services, shall keep posted at each place of business in a manner visible to the purchasing public, the following, clearly identified as such:"

5. Section 9 (a) is amended to read as follows:

(a) *New tires and tubes.* Every seller of new tires or tubes at retail shall give every buyer a sales slip listing: (1) The type, size, ply, and brand name of the new tire or tube; (2) the price; and (3) whether or not the tire or tube is a factory second.

6. Section 9 (d) is amended to read as follows:

(d) *Repairing.* Every person engaged in the business of repairing tires shall give every buyer a sales slip listing: (1) The type, ply, and size of tire; (2) for each repair, the type of repair (such as, spot, sectional, or reinforcement); and (3) the price for each repair and the total price for all repairs made.

¹ 9 F.R. 4291.

7. The following sentence is added immediately after the first sentence in Appendix A (d): "Notwithstanding any other provision of this regulation, new synthetic special purpose tubes shall also be priced under this paragraph."

8. Appendix A (e) (6) is added to read as follows:

(6) "Special purpose tube" means a rubber tube designed to be puncture resisting by the use of an extra layer or layers of soft rubber or plastic material or by the use of a dual tube construction, such special purpose tube being similar in type and construction to the brands listed in footnote 1 to Table B-VII of Appendix B of this regulation.

9. In Appendix A, Table A-II, Maximum Retail Prices for New Synthetic Rubber Motorcycle Tires and Tubes, the following size and prices are added in the proper columns:

Tire and tube size	4-ply price	Tube price
3.85-20.....	\$11.30	\$2.20

10. In Appendix A, Table A-V, Maximum Retail Prices for New Farm Implement and Farm Tractor Tires and Tubes, under (1) Farm implement and farm tractor front tires and tubes, the following sizes and prices are inserted in the appropriate columns:

Tire and tube size	Ply	Farm tractor front tire price
4.00-12.....	4	\$9.55
7.50-10.....	8	35.00

11. In Appendix A, Table A-V under (2) Farm tractor rear tires and tubes, the following size and price are inserted in the appropriate columns:

Tire and tube size	Ply	Tire price
9-24.....	10	\$62.85

12. In Appendix B (d), the reference to Table B-IV is changed to read Table B-VI.

13. In Appendix C (b) (1) (i) the following sentence is added: "Type of recapping," for the purposes of this paragraph, refers to the type of tread (such as, passenger car type of tread, conventional truck and bus type of tread) and not to the grade of camelback applied.

14. Appendix C (c) (1) is amended to read as follows:

(1) The maximum prices fixed by paragraphs (a) and (b) apply only when the recapping (tire carcass furnished by the buyer), or the recapped tire (tire carcass furnished by the seller), complies with the minimum quality specifications set forth in Appendix E.

15. In Appendix C, Table C-II, opposite size 13.00-24, 8-ply, a price of \$55.90 is added in the column under Conventional truck and bus, a price of \$79.45 under the column for Ground grip, and a price of \$91.90 for Rock service.

16. In Appendix C, Table C-II, the maximum prices for recapping the following sizes of tires with Road Grader type of tread are amended to read as follows in the appropriate column for all plies of these sizes listed in the table:

12.00-24-----	\$53.20
13.00-20-----	53.90
13.00-24-----	58.50
14.00-20-----	63.30
14.00-24-----	72.90

17. In Appendix C, Table C-III, opposite the size 13.00-24, 8-ply, a price of \$53.30 is added in the column under Conventional truck and bus, a price of \$76.15 in the column for Ground grip, and a price of \$87.60 in the column for Rock service.

18. In Appendix C, Table C-III, the maximum price for a 7.50-15, 6-ply carcass furnished by the seller is changed to read \$5.50 instead of \$6.00.

19. In Appendix C, Table C-III, the maximum prices for recapping the following sizes of tires with Road Grader type of tread are amended to read as follows in the appropriate column for all plies of these sizes listed in the table:

12.00-24-----	\$49.90
13.00-20-----	50.60
13.00-24-----	54.90
14.00-20-----	63.90
14.00-24-----	68.20

This amendment shall become effective August 19, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12186; Filed, August 14, 1944;
11:49 a. m.]

PART 1367—FERTILIZERS

[RMFR 205; Amdt. 2]

RAW FERTILIZER MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 205 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Evasion.* Any method whereby a seller obtains greater consideration than the maximum price, or whereby he gives less than the consideration due the buyer for the maximum price, is an evasion of this regulation and therefore prohibited; and any offer or agreement which accomplishes or attempts to accomplish such a result is equally prohibited.

2. In section 21 (a) (2), the price for Lake Charles, Louisiana, as set out in Area III is changed to \$0.70.

*Copies may be obtained from the Office of Price Administration.

19 F.R. 7426, 8061, 9356.

This amendment shall become effective August 19, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12167; Filed, August 14, 1944;
11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[R.O. 5C; Amdt. 142]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. In § 1394.7652 the text preceding the table of "valid periods" relating to Class A coupons is amended to read as follows:

Class A coupon books and Class D coupon books marked "Basic" shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) which relate to the tailoring of coupon books issued after the beginning of the ration period each Class A book issued for use before September 22, 1944 or for use in the gasoline shortage area and each Basic Class D book shall contain forty-eight coupons. Subject to the provisions of § 1394.7653 (d) each Class A book issued for use after September 21, 1944, outside the gasoline shortage area shall contain thirty coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

2. In § 1394.7652 the table of valid periods relating to Class A coupons is amended by adding at the end of the present table the following provision relating to coupon numbered 13:

Coupons numbered:	Valid period
13-----	Sept. 22, 1944, to Dec. 21, 1944, inclusive, outside the Gasoline Shortage Area.

3. Section 1394.7653 (c) is revoked.

4. In § 1394.7653 (d) (1) the phrase "From a Class A book:" is amended to read: "From a Class A book issued for use in the gasoline shortage area:".

5. Section 1394.7653 (d) (3) is added to read as follows:

(3) From a Class A book issued for use after September 21, 1944, outside the gasoline shortage area: All expired coupons and one currently valid coupon for each full sixteen days which have elapsed in the "valid period" during which such book is issued.

*8 F.R. 16937.

6. Section 1394.7653 (d) (4) is added to read as follows:

(4) From a Class A book issued for use before September 22, 1944, outside the gasoline shortage area: All expired coupons and one currently valid coupon for each full twelve days which have elapsed in the "valid period" during which such book is issued.

7. Section 1394.7653 (e) is revoked.

8. In § 1394.7653 (f) the table of periods appearing at the end of the third sentence is amended by adding the following provision:

Class A coupons outside the gasoline shortage area.	Sept. 22, 1944, to Dec. 30, 1944, inclusive.
---	--

9. Section 1394.7705 (d) is revoked.

10. Section 1394.7753 (a) is amended by deleting the fourth sentence which begins with the words "Each application . . .".

11. Section 1394.7755 (d) is revoked.

12. Section 1394.7757 (b) is amended to read as follows:

(b) Application for such ration shall be made to a Board on Form OPA R-551. The applicant shall annex to the application a written statement showing the Federal Use Stamp number and the engine number of the vehicle.

13. Section 1394.7758 (b) is amended by deleting the third sentence and by amending the first sentence to read as follows:

Application for such ration shall be made to a Board on Form OPA R-551.

14. Section 1394.7758 (d) is revoked.

15. Section 1394.7851 (d) is amended to read as follows:

(d) If application is made for a special ration for use with a motorcycle or a passenger automobile for which a basic or supplemental ration is currently outstanding, the applicant shall present to the Board the tire inspection record for the vehicle for which the ration is sought, unless a mileage rationing record has been issued for such vehicle in which case he shall present the mileage rationing record.

16. In § 1394.8004 the headnote is amended to read as follows: *Notations on ration books, folders, applications, coupons, tire inspection records and mileage rationing records.*

17. In § 1394.8004 (d) the paragraph heading is amended by adding the words "and mileage rationing records" after the words "tire inspection records".

18. In § 1394.8004 (d) (1) the text preceding subdivision (i) is amended by inserting the words "or mileage rationing record" after the words "tire inspection record" in both places where those words appear.

19. Section 1394.8004 (d) (2) is revoked.

20. Section 1394.8005 (a) is amended by substituting the words "mileage rationing record" for the words "tire inspection record" in both places where those words appear.

21. In § 1394.8007 the headnote is amended to read as follows: *Restoration of coupon books, coupons, folders and tire inspection or mileage rationing records; Replenishment of gasoline by bulk consumers.*

22. Section 1394.8007 (d) is amended to read as follows:

(d) *Tire inspection records and mileage rationing records.* Any person who has lost a tire inspection record or a mileage rationing record issued for use with a passenger automobile shall apply to a Board for a new record. If the Board is satisfied that the record has been lost and that there is no other tire inspection or mileage rationing record outstanding it shall issue to the applicant a new record. The Board shall transcribe on the new record the rations currently outstanding which have been issued to the applicant.

23. Section 1394.8009 is amended to read as follows:

§ 1394.8009 *Issuance of mileage rationing records and tire inspection records.* (a) Upon the issuance of a basic ration for use outside the gasoline shortage area before September 22, 1944, or for use in the gasoline shortage area, the Board shall issue one tire inspection record on Part B of Form OPA R-534 for the vehicle for which the ration is issued, unless a tire inspection record or a mileage rationing record is currently outstanding for such vehicle. However, if mileage rationing records on the stubs of Form OPA R-534 (Rev. 5-44) have been provided for its use, the Board shall issue such mileage rationing record in lieu of a tire inspection record.

(b) Upon the issuance of a basic ration for use outside the gasoline shortage area after September 21, 1944, the Board shall issue one mileage rationing record on the stub of Form OPA R-534 (Rev. 5-44) for the vehicle for which the ration is issued, unless a mileage rationing record is currently outstanding for such vehicle.

24. Section 1394.8010 is amended to read as follows:

§ 1394.8010 *Presentation of mileage rationing records and tire inspection records.* No Basic Class A ration shall be issued pursuant to § 1394.7653 (f) to replace another basic ration formerly issued to the applicant, and no supplemental ration shall be issued or renewed unless the applicant presents to the Board the mileage rationing record issued for the vehicle for which the ration is sought. However, in the event no mileage rationing record has been issued for such vehicle, the applicant may present the tire inspection record issued for such vehicle instead of a mileage rationing record.

25. Section 1394.8014 (a) is amended by deleting the phrase "or a tire inspection record on Part B of Form OPA R-534."

26. Section 1394.8018 (a) is amended by inserting after the words "tire inspection records" the words "mileage rationing records."

27. Section 1394.8051 (b) (4) is amended to read as follows:

(4) In the case of a basic ration, the owner or person entitled to the use of the registered vehicle, or the agent of either shall execute an application on Form OPA R-534 (Rev. 5-44). The applicant shall file such application with a Board and shall submit therewith the back cover of the current basic ration book issued for use with the vehicle. If such back cover is submitted, no registration certificate or registration card need be presented. If the applicant is unable to submit such back cover, he shall establish to the satisfaction of the Board that:

(i) He is a person entitled to make such application;

(ii) The vehicle is currently registered and in use; and

(iii) No renewal of the basic ration has been issued for the vehicle and no application for such a renewal is pending at any Board. He must also submit the registration certificate or registration card issued for such vehicle. If the required documents are presented and the Board is satisfied that the vehicle is in use and that the applicant has complied with the requirements of this subparagraph, it shall issue a renewal of such ration in the manner prescribed in § 1394.7653 (d). In such case, it shall also issue a mileage rationing record on the stub of Form OPA R-534 (Rev. 5-44) unless such a record has already been issued for such vehicle. If the registration certificate or registration card has been submitted, the Board upon issuing a renewal of the basic ration shall note upon such certificate or card the same notations as are required in the case of an original issuance of a basic ration.

28. In § 1394.8102 (f) (1) the third sentence is amended by deleting the portion of the sentence following the reference "§ 1394.8017".

29. Section 1394.8104 (a) is amended by inserting the words "mileage rationing records" after the word "folders" in the two places where such word appears.

30. In § 1394.8108 the headnote is amended by inserting the words "or mileage rationing records" after the words "tire inspection records".

31. In § 1394.8108 the text is amended by inserting after the words "tire inspection record" appearing in the first and second sentences, the words "mileage rationing records".

32. Section 1394.8172 is amended to read as follows:

§ 1394.8172 *Excess tires.* No person shall use or permit the use of gasoline in a motor vehicle for which a basic, supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.1309 of Ration Order No. 5A or § 1394.7757 or § 1394.7758 of Ration Order No. 5C, has been issued, nor may gasoline be used in any such motor vehicle, other than an official vehicle, if the registered owner or lessee (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passen-

ger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall use or permit the use of gasoline in a motor vehicle for which a basic or supplemental ration has been issued, if any person living in the household of the registered owner of such vehicle and related to such owner by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

This amendment shall become effective August 18, 1944.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12190; Filed, August 14, 1944; 11:48 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,¹ Amdt. 3 to Rev. Supp. 1²]

MILEAGE RATIONING: GASOLINE REGULATIONS

Revised Supplement No. 1 to Ration Order No. 5C is amended in the following respects:

Section 1394.8401 (a) is amended to read as follows:

(a) *Unit values of coupons.* The value of the unit represented by Class A, B, C, D, E, R, and T coupons is hereby designated and fixed as follows:

(1) Four (4) gallons of gasoline with respect to Class A coupons which bear the numeral "13" or a higher numeral on the face of the coupon.

Three (3) gallons of gasoline with respect to Class A coupons which do not bear the numeral "13" or a higher numeral on the face of the coupon.

(2) Five (5) gallons of gasoline with respect to Class B, C, R, and T coupons.

(3) One and five-tenths (1.5) gallons of gasoline with respect to Class D coupons.

(4) One (1) gallon of gasoline with respect to Class E coupons.

This amendment to Revised Supplement No. 1 to Ration Order 5C shall become effective August 18, 1944.

¹ 8 F.R. 15937.

² 8 F.R. 13985.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12191; Filed, August 14, 1944;
11:48 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,¹ Amdt. 21]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5159 (a) (10) is added to read as follows:

(10) *Destruction or disposition of standby facility.* For the operation of fuel oil burning equipment where the consumer had, without good cause, destroyed, rendered unserviceable, or disposed of equipment which would have been a standby facility.

2. Section 1394.5507 (e) is amended to read as follows:

(e) The ration of any consumer who, without good cause, destroyed, rendered unserviceable, or disposed of equipment which would have been a standby facility may at any time be revoked by the Washington Office, Regional Administrator, District Director or Board having jurisdiction.

This amendment shall become effective on August 18, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1-O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12188; Filed, August 14, 1944;
11:48 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,¹ Amdt. 23]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5455 (c) is added to read as follows:

(c) The requirements of paragraphs (a) and (b) of this section shall be deemed

satisfied if either of the following conditions is met:

(1) A member of the applicant's family, who has been authorized by him to do so, signs the applicant's name to the coupon sheet, inserts the required date and indicates on the sheet that he is acting for the applicant as a member of his family and also signs his own name. (For example, "John Doe by Mary Doe, wife."), or

(2) There is attached to the stub of the coupon sheet a completely filled out statement signed by the applicant in the following form (a separate form being required for each coupon sheet):

ALTERNATE SIGNATURE SHEET

Since I did not sign and date the fuel oil coupon sheet specified below when I received it from the War Price and Rationing Board, I request that this statement, which has been completely filled out before being signed by me, be substituted for such signature and dating and that it be attached to the stub of the coupon sheet.

Serial Number of coupon sheet _____
Approximate date received from Board _____
194____

Gallons Value when received from Board _____

Address where ration will be used _____

(Date Signed)

(Applicant's Signature)

(Residence Address)

This amendment shall become effective on August 14, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1-O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12189; Filed, August 14, 1944;
11:50 a. m.]

PART 1404—RATIONING OF FOOTWEAR [RO 17,¹ Amdt. 73]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. The second sentence of section 1.4 (a) (1) is amended to read as follows: "However, a resident of an institution of involuntary confinement may not apply if shoes are furnished him by the institution, and no consumer may apply under this section if he has made a previous application or has obtained a special shoe stamp since the last war ration shoe stamp became valid."

2. Section 1.5 (d) is amended to read as follows:

¹ 8 F.R. 15839, 16005, 16390, 9 F.R. 82, 573, 764, 2232, 2656, 2947, 2829, 3340, 3344, 4391, 5254, 5805, 6233, 6647, 6455, 7020, 7773, 8254, 8339, 8340.

(d) If a special shoe stamp is issued, the Board or District Office shall write on it the serial number of the applicant's War Ration Book 3 or, if he has none, the words "No Book". However, the Board may write the name of the applicant on the stamp in place of the serial number of the book in cases of emergency where the applicant needs the safety shoes immediately to continue his work, does not have his book with him and does not know the serial number of the book. If the application is for a stamp to secure safety shoes the words "Safety Shoes" shall be written on the stamp. If a Board desires to specify the use to which a stamp may be put when secured for shoes other than safety shoes, it shall write on the stamp the words "Men's Use", "Women's Use", or in the case of a stamp issued to a child under 14 years of age, the words, "Children's Use". If OPA Form R-1708 is used, the Board or District Office shall write on it the date of its issue. If OPA Form R-1708A is used, it shall write on it the date of its expiration for consumer use, which is 30 days after the date it is issued.

3. The second sentence of sec. 1.6 is amended to read as follows: "Before using the stamp the consumer must write on it the serial number of his War Ration Book 3 or, if he has none, the words "No Book", unless the serial number of a war ration book or the words "No Book" or the name of the consumer is already written on the stamp."

4. Section 1.7 (b) (2) is amended by adding at the end of the third sentence the following: "However, the person (or committee) may write the name of the applicant on the stamp in place of the serial number of the book in cases of emergency where the applicant needs the safety shoes immediately to continue his work, does not have his book with him, and does not know the serial number of the book."

5. Section 1.15 is amended by adding to the end of the second sentence, the words: "or the name of the holder."

This amendment shall become effective August 18, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12192; Filed, August 14, 1944;
11:49 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 233,¹ Amdt. 30]

COFFEE IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 283 is amended in the following respects:

1. Section 1418.363 (t) Table XX is revised to read as follows:

(t) Table XX: *Maximum retail prices for coffee.*

¹ 9 F.R. 5791.

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 2357.

Coffee	Ketchikan	Wrangell-Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova - Valdez - Seward	Kodiak	Anchorage	Railroad towns from Palmer to Curry (inclusive)	Railroad points from Curry to Fairbanks (inclusive)	Nome
Amocat, 1-pound bag	\$0.37	\$0.37	\$0.38	\$0.39	\$0.39	\$0.40	\$0.41	\$0.38	\$0.38	\$0.39	\$0.42
Bliss, 1-pound tin	.40	.40	.40	.40	.40	.41	.42	.41	.41	.43	.43
Chase and Sanborn, 1-pound bag	.37	.37	.37	.38	.38	.38	.39	.37	.38	.39	.40
Chase and Sanborn, 1-pound tin	.39	.39	.39	.40	.40	.41	.42	.40	.41	.42	.42
Chase and Sanborn, 2-pound tin	.77	.77	.77	.79	.79	.81	.83	.79	.81	.83	.83
Crescent, 1 - pound bag	.35	.35	.36	.36	.36	.37	.37	.37	.37	.39	.38
Crescent, 1 - pound glass	.39	.39	.39	.40	.40	.41	.42	.40	.41	.43	.43
Del Monte, 1-pound glass	.40	.40	.40	.41	.41	.42	.43	.41	.42	.44	.44
Empress, 2-pound glass	.75	.75	.76	.77	.77	.79	.82	.77	.79	.83	.84
Folger's, 1-pound glass	.38	.38	.39	.39	.39	.40	.41	.39	.40	.43	.43
Folger's, 2-pound glass	.75	.75	.77	.77	.77	.79	.81	.77	.79	.85	.85
Gold Shield, 1-pound bag	.36	.36	.36	.36	.37	.37	.39	.36	.36	.38	.39
Hills Bros., 1-pound glass	.40	.40	.40	.40	.41	.42	.43	.42	.43	.45	.44
Hills Bros., 1-pound tin	.39	.39	.39	.39	.39	.40	.41	.39	.40	.42	.42
Hills Bros., 2-pound glass	.79	.79	.79	.81	.83	.83	.85	.83	.85	.89	.87
Hills Bros., 2-pound tin	.77	.77	.77	.77	.77	.79	.81	.77	.79	.83	.83
I. G. A., 1-pound glass	.38	.38	.39	.39	.39	.40	.41	.39	.40	.43	.43
Honor, 1-pound glass	.36	.36	.37	.37	.37	.38	.40	.38	.38	.41	.41
Maxwell House, 1-pound glass	.41	.41	.41	.42	.42	.43	.44	.42	.43	.45	.45
Maxwell House, 2-pound glass	.81	.81	.81	.83	.83	.85	.87	.83	.85	.89	.89
M. J. B., 1-pound glass	.41	.41	.42	.42	.42	.43	.45	.43	.43	.46	.46
M. J. B., 2-pound glass	.81	.81	.83	.83	.83	.85	.89	.85	.85	.91	.91
Old Homestead, 1-pound glass	.40	.40	.40	.41	.41	.42	.43	.41	.42	.44	.44
Opeka, 1-pound tin	.40	.40	.40	.41	.41	.42	.43	.41	.42	.43	.44
Par, 2-pound glass	.75	.75	.76	.77	.77	.79	.82	.77	.79	.83	.84
Red and White, 1-pound glass	.36	.36	.37	.37	.38	.38	.40	.37	.38	.41	.40
Reliance, 1-pound glass	.38	.38	.39	.39	.39	.40	.42	.39	.40	.43	.43
Reliance, 2-pound glass	.75	.75	.77	.77	.77	.79	.83	.77	.79	.85	.85
Schilling's, 1-pound glass	.39	.39	.39	.40	.40	.41	.42	.40	.41	.43	.43
Schilling's, 2-pound glass	.77	.77	.77	.79	.79	.81	.83	.79	.81	.85	.85
S and W, 1-pound glass	.37	.37	.37	.38	.38	.39	.40	.38	.39	.41	.41
<i>Decaffeinated coffee</i>											
Kaffee Hag, 1-pound glass	.50	.50	.51	.51	.51	.52	.54	.52	.52	.55	.55
Kaffee Hag, 1-pound tin	.50	.50	.51	.51	.51	.52	.54	.50	.51	.53	.55
Sanka, 1-pound glass	.51	.51	.52	.52	.53	.54	.55	.53	.54	.57	.57
Sanka, 1-pound tin	.51	.51	.52	.52	.52	.54	.55	.52	.53	.54	.56

This amendment shall become effective August 19, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12193; Filed, August 14, 1944;
11:43 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373, Amdt. 76]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment,

18 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 16866, 16997, 16962, 17201; 9 F.R. 173, 393, 580, 584, 1158, 1487, 1489, 1528, 1530, 2177, 2177, 2177, 2659, 5168, 5438, 5482.

issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 41a is amended to read as follows:

SEC. 41a. *Maximum prices at wholesale for certain grocery items*—(a) *What this section covers.* This section sets maximum prices at wholesale for all grocery items listed and described in paragraph (n) of this section.

(b) *Maximum prices for grocery items imported directly from the mainland.* In the case of sales of any grocery items covered by this section, which are imported directly from the mainland, except any items imported from the mainland which are purchased from the Federal Surplus Commodities Corporation, or any items which are received from or

*Copies may be obtained from the Office of Price Administration.

via any other island in the Territory, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, variety, container type and container size) as follows:

(1) The wholesaler shall first ascertain his "landed cost" for the item he is pricing by adding the amounts permitted in subdivisions (i) through (vi) set forth below. If any of the amounts, or any part thereof, specified in any of these subdivisions has already been included in another subdivision, it may not again be added.

(i) An amount equal to the mainland seller's selling price, less all discounts and allowances except the discount for prompt payment up to 2%, and the customary swell and label allowances as received, and promotional allowances to the extent received in the calendar year 1941: *Provided*, That in all cases where the purchase is made from and billed by a local representative or agent of a mainland manufacturer, the wholesaler must obtain from such local representative or agent a written statement of his mainland principal's maximum price for the items sold.

(ii) An amount equal to the transportation charges, if any, actually incurred by the wholesaler for transportation from the mainland point at which the wholesaler received delivery to the mainland port of shipment, including Federal transportation tax, terminal charges, demurrage, and extra charges for shipment in less than carload lots.

(iii) An amount equal to mainland storage charges and insurance in connection therewith actually incurred by the wholesaler.

(iv) An amount equal to cartage charges actually incurred by the wholesaler for cartage from warehouse to dock in port of shipment.

(v) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included in the event that the difference between the two rates exceeds 1%, but the type of coverage is at the discretion of the buyer or seller.

(vi) An amount equal to cartage charges in the port of entry in the Territory of Hawaii, from dock to the wholesaler's warehouse or to the ultimate purchaser's establishment, computed at a rate of \$1.20 per ton, weight or measurement: *Provided*, That the merchandise is moved from the dock at the wholesaler's expense.

(2) When the item which the wholesaler is pricing is listed in Table A of this section, he shall then add to his "landed cost" computed in accordance with the provisions of paragraph (b) (1) above, the markup set forth in Table A for that item. When the item is not listed in Table A, the wholesaler shall divide such "landed cost" by the applicable division factor set forth in Table B of this section. The resulting price shall be the wholesaler's maximum price for that item.

(c) *Maximum prices for grocery items purchased from the Federal Surplus Commodities Corporation.* In the case of sales of any grocery items covered by this section which are purchased from the Federal Surplus Commodities Corporation, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, variety, container type and container size) as follows:

(1) The wholesaler shall first ascertain his "landed cost" for the item he is pricing by adding the amounts permitted in subdivisions (i) and (ii) set forth below. If any of the amounts, or any part thereof, specified in either of these subdivisions has already been included in the other subdivision, it may not again be added.

(i) An amount equal to the net price paid to the Federal Surplus Commodities Corporation.

(ii) An amount equal to cartage charges computed at a rate of \$1.20 per ton, weight or measurement, for cartage from the Federal Surplus Commodities Corporation's warehouse, or from the dock, to the wholesaler's warehouse or to the ultimate purchaser's establishment, *Provided*, That the merchandise is moved from the dock or Federal Surplus Commodities Corporation's warehouse at the wholesaler's expense.

(2) When the item which the wholesaler is pricing is listed in Table A of this section, he shall then add to his "landed cost", computed in accordance with the provisions of paragraph (c) (1) above, the markup set forth in Table A for that item. When the item is not listed in Table A, the wholesaler shall divide such "landed cost" by the applicable division factor set forth in Table B of this section. The resulting price shall be the wholesaler's maximum price for that item.

(d) *Maximum prices for grocery items purchased from manufacturers or producers located on the same island as the wholesaler.* In the case of sales of any grocery items covered by this section which are purchased from a manufacturer or producer located on the same island as the wholesaler, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, variety, container type and container size) as follows:

(1) The wholesaler shall first ascertain his "landed cost" for the item he is pricing by adding the amounts permitted in subdivisions (i) and (ii) set forth below. If any of the amounts, or any part thereof, specified in either of these subdivisions has already been included in the other subdivision, it may not again be added.

(i) An amount equal to the manufacturer's or producer's selling price, less all discounts and allowances, except the discount for prompt payment up to 2%, and the customary swell and label allowances as received, and promotional allowances to the extent received in the calendar year 1941.

(ii) An amount equal to cartage charges for cartage from the manufacturer's or producer's establishment to the

wholesaler's warehouse or to the ultimate purchaser's establishment, computed at a rate of \$1.20 per ton, weight or measurement, provided, that the merchandise is moved from the manufacturer's or producer's establishment at the wholesaler's expense.

(2) When the item which the wholesaler is pricing is listed in Table A of this section, he shall then add to his "landed cost", computed in accordance with paragraph (d) (1) above, the markup set forth in Table A for that item. When the item is not listed in Table A, the wholesaler shall divide such "landed cost" by the applicable division factor set forth in Table B of this section. The resulting price shall be the wholesaler's maximum price for that item.

(e) *Maximum prices for grocery items received from or via another Island in the Territory of Hawaii.* In the case of sales of any grocery items covered by this section which have been received from or via another Island in the Territory of Hawaii, the wholesaler shall calculate his maximum price for each item (that is, for each kind, brand, grade, variety, container type and container size) as follows:

(1) The wholesaler shall first ascertain his "landed cost" for the item he is pricing by adding the amounts permitted in subdivisions (i) through (iv), set forth below. If any of the amounts, or any part thereof, specified in any of these subdivisions has already been included in another subdivision, it may not again be added.

(i) An amount equal to the seller's selling price, less all discounts and allowances except the discount for prompt payment up to 2%, and the customary swell and label allowances as received, and promotional allowances to the extent received in the year 1941, *Provided*, That in the event the wholesaler has purchased the item from another wholesaler and the supplier has sold the item at less than his maximum wholesale price, the buyer may include in his "landed cost" the full amount of his supplier's maximum wholesale price in lieu of the price actually paid.

(ii) An amount equal to cartage charges for cartage from the warehouse of the seller or from the manufacturer's shipping point to dock in the Island from which the item is shipped calculated at a rate of \$1.20 per ton, weight or measurement, except in cases where the seller's maximum price regularly includes delivery to the dock.

(iii) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler for shipment between the Islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included in the event that the difference between the two rates exceeds 1%, but the type of coverage is at the discretion of the buyer or seller.

(iv) An amount equal to cartage charges in the port of entry in the Island

on which the purchasing wholesaler is located from dock to the wholesaler's warehouse or to the ultimate purchaser's establishment, computed at a rate of \$1.20 per ton, weight or measurement, *Provided*, That the merchandise is moved from the dock at the wholesaler's expense.

(2) When the item which the wholesaler is pricing is listed in Table A of this section, he will then add to his "landed cost", computed in accordance with the provisions of paragraph (e) (1) above, the markup set forth in Table A for that item. When the item is not listed in Table A, the wholesaler shall divide the "landed cost" by the applicable division factor set forth in Table B of this section. The resulting price shall be the wholesaler's maximum price for that item.

(f) *Error account.* In computing the maximum wholesale price for the sale of any item covered by this section, when the actual amount of any charge, except the invoice cost, which is to be used in the computation of such price, is at that time unascertainable with respect to a particular shipment of any such item, the wholesaler may estimate the amount of the charge for the purpose of determining the maximum price only in case he fulfills the following conditions:

(1) That he set up an "error account."

(2) That when the actual amount of the charge becomes known he shall immediately include in this account the difference between the actual amount and the estimated amount.

(3) That if the difference is an amount in excess of the actual amount, then the amount of such difference shall be deducted in calculating the maximum price for any item on hand or received in the next shipment;

(4) That if the difference is an amount less than the actual amount, then the amount of such difference may be added in calculating the maximum price for any item on hand or received in the next shipment;

(5) That the error account show how the differences are applied.

(g) *Special services.* In appropriate cases where special service is rendered, the wholesaler may make application to the Office of Price Administration, Honolulu 2, T. H., for an additional margin based upon the cost of service, and the Territorial Director of the Office of Price Administration for the Territory of Hawaii may authorize an additional margin for such service.

(h) *Weighted average "landed cost."* If an identical item (that is, the same kind, brand, grade, variety, container type and container size) in the wholesaler's inventory on hand has two or more different landed costs, then the "landed cost" for the item may be determined by calculating a weighted average "landed cost" for the entire inventory of that item on hand. Weighted average "landed cost" shall be calculated as follows: Each different "landed cost" shall be multiplied by the number of units having such "landed cost." The products of such multiplication shall be added and the sum thereof divided by the total

number of the units for which a weighted average "landed cost" is desired. The quotient or result of such division is the weighted average "landed cost." This provision is permissive and not mandatory.

(i) *Customary units of sale and fractional prices.* Any maximum prices, calculated in accordance with the provisions of this section, shall be based on the wholesaler's customary unit of sale (that is, per case, box, bag, dozen, or the like). All such calculations resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

(j) *Delivery charges.* No extra charges may be added by the wholesaler to the purchaser for delivery, except as follows:

(1) *Customary delivery charges.* In cases where it was the custom of the seller to make an extra charge for delivery during the calendar year 1941, the seller may upon approval of the Office of Price Administration, Honolulu 2, T. H., add to his maximum price an amount not in excess of local commercial trucking rates for such delivery.

(2) *Island of Maui.* For delivery in the Hana section of the Island of Maui of salt and any item bearing a margin of 9% or less as set forth in Table B, and all items listed in Table A, a wholesaler may add a hauling charge in amount not in excess of \$5.00 per ton, weight or measurement. However, in cases where cartage charges to the ultimate purchaser's establishment have been included in the computation of the "landed cost", no extra delivery charges may be added. The Hana section shall comprise all of the district of Hana and that portion of the district of Makawao lying south of the south boundary of the Ahupuaa of Kamaole, as defined by section 7620 of the Revised Laws of Hawaii, 1935.

(3) *Island of Hawaii.* For delivery from the City of Hilo to a retail establishment, or to the wholesaler's warehouse, located outside of Zone 1, a wholesaler may add an amount not in excess of the trucking charge actually incurred. However, in cases where cartage charges to the ultimate purchaser's establishment have been included in the computation of the "landed cost", no extra delivery charges may be added. Zone 1 of the Island of Hawaii shall comprise the area of Puna and South Hilo, as defined by section 7620 of the Revised Laws of Hawaii, 1935.

(k) *Multiple wholesaling.* Except as otherwise provided herein, the maximum price for any wholesaler other than the primary wholesaler of any grocery items covered by this section, shall be the maximum price of the primary wholesaler in the Territory of Hawaii. The primary wholesaler in the Territory of Hawaii making the importation or local purchase, shall furnish any wholesaler purchasing from him a written statement of his "landed cost", and of the maximum wholesale price determined in accordance with the provisions of this section, and thereafter in case of any further sales to other wholesalers, the seller shall furnish to the buyer a statement of the primary wholesaler's maximum price. This pro-

vision applies to all sales at wholesale except the following:

(1) *Sales to peddlers.* Where a wholesaler has purchased any such grocery items from another wholesaler in the Territory of Hawaii, the maximum wholesale price for sales by the second or subsequent wholesaler to peddlers (itinerant retail merchants) shall be the net price actually paid to the first wholesaler, plus 5%. The wholesaler shall furnish the peddler with a statement of the first wholesaler's maximum price or prices for the grocery items sold.

(1) *Records and reports.* The provisions of section 10 of this regulation relating to records and reports, shall not apply to this section 41a.

(1) *Records—(i) Purchase and sales records.* Every person making sales of any grocery items covered by this section 41a shall keep and make available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each purchase and each sale made by such person, showing the date thereof, a full and complete description of the grocery item purchased or sold, name and address of the buyer and seller, the price paid or received, quantity purchased or sold, and all data including sales, freight and other invoices or memoranda reflecting the charges incurred by the wholesaler in arriving at his "landed cost" and maximum price.

(ii) *Error account.* Every person who maintains an Error Account in accordance with the provisions of paragraph (f) of this section, shall keep and maintain in a form suitable for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, an account setting forth all credits and debits to the account, together with date of the entry and the reason for such entry.

(iii) *Invoices.* Every person making a sale at wholesale of any grocery items covered by this section 41a shall deliver to the buyer an invoice or sales slip setting forth a full and complete description of the grocery items sold, including name of brand, size of container, number of retail units in the wholesale units, name and address of buyer and seller, discounts allowed, quantity sold, the price paid or charged and the date of sale. In addition to the foregoing, whenever a sale is made of any cereals, pet foods, dehydrated soups or vegetables or paste products at a price that is lower than the wholesaler's maximum price, the wholesaler shall set forth on his invoice to the buyer not only the price charged but also his maximum price computed in accordance with the provisions of this section.

(2) *Reports.* Every person making a sale of any grocery items covered by this section shall prepare and file with the Office of Price Administration the following reports:

(i) *OPA Form THP 9, notification of changes in maximum prices established under Maximum Price Regulation No. 373, section 41a.* Any seller, whose maximum wholesale price for any grocery item is determined by this section, and

whose maximum price per wholesale unit has changed by an amount equal to one-half cent or more per retail unit since last reported to the Office of Price Administration, or since May 22, 1944, if no report has been filed for that item since that date, shall report such change in price to the District Office of the Office of Price Administration on the Island on which the seller is located, on OPA Form THP 9, prior to any sales of the item at the new maximum wholesale price. However, such report need be filed only in the case that three hundred or more wholesale units were received in one shipment by a wholesaler on the Island of Oahu, or one hundred or more wholesale units were received in one shipment by a wholesaler on any other Island in the Territory of Hawaii, and where these items are to be sold to retail grocery stores.

(ii) Any other reports that the Office of Price Administration, Honolulu 2, T. H., may from time to time require.

(m) *Inability to determine maximum prices.* Any person who is unable to determine his maximum wholesale price for any grocery item covered by this section shall apply to the District Office of the Office of Price Administration on the island on which the seller is located for the establishment of a maximum price for that item.

(n) *Definitions.* All grocery items covered by this section are divided into commodity classifications which are defined as follows:

(1) "Canned fruits and berries" means fruits and berries packed in metal, glass or any other containers, and include but are not limited to the following: apples, apple sauce, apricots, cherries, figs, fruit cocktails, fruits for salads, peaches, pears, pineapples, plums, blackberries, blue berries, boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, strawberries, and youngberries.

(2) "Canned vegetables" mean vegetables packed in metal, glass, or any other containers, and include but are not limited to beans, carrots, corn, okra, peas, pumpkins, puree of chopped vegetables, rhubarb, sauerkraut, spinach and tomatoes.

(3) "Canned seafood" means all processed fish and seafood packed in metal, glass or any other containers, and includes but is not limited to abalone, crab meat, lobster, salmon, sardines, shrimp, canned clam juice and broth, but shall not include fresh, dried, salted, smoked and frozen fish and seafood.

(4) "Canned juices" means berry juices, citrus fruit juices, fruit juices and nectar, and vegetable juices packed in metal, glass or any other containers.

(5) "Canned citrus fruit" means oranges, grapefruit and any other citrus fruits preserved in metal, glass or any other containers.

(6) "Canned and dehydrated soup". Canned soups means any soups or broths in metal, glass or any other containers and includes condensed soups, broths and chowders. Dehydrated soup means any commodity intended for the making of soup by the addition of liquid and shall include noodle-soup mixes.

(7) "Pickles, olives and certain spiced fruits and vegetables" means all kind of pickles and olives, whether green, ripe, stuffed, oiled, brined, and include pickles and olives packed in vinegar and mustard, and fruits or vegetables packed in vinegar or liquors, such as spiced tomatoes, but does not include other fruits and vegetables packed in brine or heavy syrup, either spiced or unspiced.

(8) "Condiments and sauces" means any food garnishes in metal, glass, or any other containers, including but not limited to catsup, chili sauce, chutney, meat sauces, mustard, soys, tobasco sauce, tomato sauce, vinegar, Worcestershire sauce, cocktail sauce, bagoon and miso sauce.

(9) "Breakfast cereals" means bulk or packaged processed cereal grains used as breakfast foods, both uncooked and ready to eat types. This classification includes hominy grits, puffed rice and puffed wheat, but shall not include buckwheat flour, corn meal, pancake flour, pearled barley, and rice.

(10) "Preserves, jams, and jellies" means all preserves, jams, jellies, and marmalade, packed in metal, glass or any other containers. This classification does not include bakers' jam and jellies.

(11) "Peanut butter" means all spreads of ground peanuts, irrespective of the size of the granules or pieces of peanuts contained therein. This classification includes peanut butter chunk.

(12) "Bakers' and family flour." Bakers' flour means flour in bulk which is sold for use by commercial, institutional, or governmental users, and which has been purchased from the Federal Surplus Commodities Corporation. Family flour means flour in bulk which is packed and sold for ultimate use in the home.

(13) "Prepared packaged flour" means flour and flour mixes made from buckwheat, corn, potatoes, rice, or wheat, and includes Aunt Jemima, Bisquick, corn meal, Dromedary, Sperry, buckwheat flour, Swansdown, and any other ready to use packaged flour.

(14) "Spices and extracts" means all kinds of spices and extracts, and includes but is not limited to sodium glutamate, mapleline, and extracts in shelf sizes, such as cinnamon, pepper, vanilla, and bouillon cubes.

(15) "Paste products" means all canned, packaged and bulk macaroni, shells, noodles, spaghetti, and vermicelli.

(16) "Dried fruits" means fruits or parts thereof from which the major portion of moisture has been removed by natural or artificial drying, and includes but are not limited to apples, apricots, currants, dates, figs, grapes, nectarines, peaches, pears, and prunes.

(17) "Dried edible beans and peas" means all bulk or packaged, threshed and dried field or garden beans, peas, and lentils used for human consumption.

(18) "Pet foods and supplies" means all kinds of pet foods, packaged, bulk, canned or dry, and such pet supplies as cuttlebone and gravel. Pet foods and supplies sold by a specializing pet food and supply wholesaler are exempted from this section. "A specializing pet food and supply wholesaler" means any

wholesaler over 70% of whose business has, in the last quarter year before any sale, consisted of sales of pet foods and pet supplies.

(19) "Beverage bases and concentrates" means Kool-Aid, Ovaltine, Hires Root Beer Extract and similar products.

(20) "Tea" means all kinds of tea, green and black, packaged and in bulk.

(21) "Cocoa and chocolate" include, but are not limited to, powdered, cake and cooking chocolate. This classification does not include chocolate-coated candy or any other chocolate candy.

(22) "Laundry soap" means bar and packaged laundry soap. This classification includes laundry soap in bars, cakes, chips, powder, plain, granulated or liquid form.

(23) "Toilet soap" means bar and packed toilet soap. This classification includes toilet soap in bars, cakes, chips, powder, plain, granulated or liquid form.

(24) "Cleansers and home laundry supplies" includes Clorax, Old Dutch Cleanser, laundry starch, Drano, bluing, powder and cake cleansers other than soaps, and other home laundry supplies. This classification does not include brass, metal and silver polish, upholstery, floor, rug, wall and dry cleaners.

(25) "Salt" means all table and cooking salt, and salt used for industrial or commercial purposes.

(26) "Sugar" means all sugar or specialty sugars, sold in packages, cartons, or bulk, imported from the mainland or manufactured in the Territory of Hawaii.

(27) "Mayonnaise, salad dressing and sandwich spreads" means all prepared dressings for salads except cooking and salad oils and sandwich spreads with a mayonnaise or cheese base.

(28) "Dessert powders" means all concentrates of fruits or vegetables used in the preparation of gelatinous desserts.

(29) "Fountain supplies" means imported grocery items customarily sold to soda fountains. This classification includes, but is not limited to, crushed strawberries, fruit syrups in bottles, chocolate sauce, vanilla syrup, maraschino cherries and other similar articles used for preparation of food and drink for sales on the premises. It does not include rice, bakers' and family flour, sugar, evaporated milk, shortening and lard. However, any other imported grocery item covered by this section may, at the option of the seller, be considered as a fountain supply, if sold to a fountain.

(30) "Bakers' and confectioners' supplies" means imported grocery items sold to bakers and confectioners and similar establishments for use in the preparation of bakers' and confectioners' products and also shelf sizes of certain items sold in grocery stores which are used primarily for home cooking. In the case of sales to bakers, confectioners and similar establishments, this classification includes, but is not limited to, baking powder, baking soda, coloring matter, mince meat and yeast. It does not include rice, bakers' and family flour, sugar, evaporated milk, shortening and lard. However, any other imported grocery item covered by this section may, at the option of the seller, be considered

as a bakers' and confectioners' supply if sold to a baker or confectioner. In the case of sales to grocery stores of shelf size home baking products, this classification includes, and is limited to, baking powder, baking soda and any other shelf size grocery item used primarily for home baking which is not specifically covered by any other classification contained in this paragraph (n).

(31) "Evaporated milk" means evaporated milk: packed in metal, glass or any other containers.

(32) "Other milk: products" means any food commodity which is processed or manufactured from cow's milk: and shall include Klim, Avoset, condensed milk, and malted milk. This classification does not include butter, cheese, powdered skim milk and fresh milk.

(33) "Packaged nuts" mean all nuts, shelled or unshelled, roasted or unprocessed, which are packed in metal, glass, cartons or any other containers, and are sold in shelf sizes, and include almonds, brazil nuts, macadamia nuts and peanuts, and all other nuts whether locally grown or imported.

(34) "Bulk: nuts" means all nuts set forth in Commodity Classification No. 33, which are not customarily sold by the retailer in the original package.

(35) "Syrup and honey". Syrup means all edible molasses, sorghum, cane, maple and corn syrup and blends thereof. Honey means imported and local extracted honey and includes combinations of extracted comb honey.

(36) "Cooling starch" means corn starch used for cooling.

(37) "Rice" means all grades of white and brown milled and wild rice sold in all types of containers.

(38) "Baby foods" means all foods packed in metal, glass or any other containers, especially designed for the nourishment of infants and juniors.

(39) "Crackers, cookies and specified cakes" means crackers, cookies, biscuits, pralines, fruit cakes, rum cakes and plum puddings.

(40) "Specified wooden products" means products of wood locally made or imported, and limited specifically to the following: Brooms and broom parts, matches (including book matches), clothes pins and tooth picks.

(41) "Popcorn, potato chips and shoestring potatoes". Popcorn means corn intended for the purpose of making popcorn and corn already popped, packed in bags, metal or any other containers. Potato chips and shoestring potatoes means sliced, fried potatoes packed in cartons, bags or any other containers.

(42) "Charcoal" means any bagged charred wood, imported or locally produced.

(43) "Dehydrated vegetables" means vegetables or vegetable mixtures which are prepared for consumption by the addition of liquid to restore the product to its original condition.

(44) "Canned meats" means meats and meats in combination with other foods, packed in metal, glass or any other containers, such as luncheon meats, spreads, sausages and sausage meats, frankfurters, hamburger, loaf goods, brains, tongue, bacon, corned beef,

dried beef, sliced dried beef, hash, potted and deviled meats, spaghetti and meat balls, spaghetti sauce with meat, noodles and meat, vegetables and meat, stews, chilli con carne, prepared hot tamales, chicken, turkey and other poultry, and similar items, whether in shelf sizes or not, and whether or not customarily stored under refrigeration.

(45) "Coffee" means roasted coffee either whole or ground; decaffeinated coffee; coffee concentrates; chicory; coffee compounds consisting of a blend of coffee and any other product; cereals, beans, peas, and other products and concentrates thereof designated as or intended for use as coffee substitutes or coffee extenders. This classification includes all imported and locally produced coffee.

(46) "Cooking and salad oils" means all vegetable, fruit and leaf plant oils, whether pure or mixed. This classification includes but is not limited to olive, peanut, cottonseed and corn oils. It does not include prepared dressings, nor does it include mineral and olive oil sold by drug stores or department stores.

(47) "Oleomargarine" means any packaged colorless spread for bread, the merchandising of which requires a Federal license.

(48) "Shortening and lard" means any vegetable or animal fats used for cooking, sold in bulk or in packaged shelf sizes.

(49) "Quick-frozen fruits and vegetables". Quick-frozen fruits means all fruits, berries, fruit or berry juices, and mixtures which have been quick-frozen. Quick-frozen vegetables means all vegetables, vegetable juices, and mixtures which have been subjected to a quick-freezing process.

(50) "Dried and shredded seafood" means seafood such as codfish and shrimp imported in a dried condition.

When any grocery item covered by this section is composed of commodities defined under two or more of the above commodity classifications contained in this paragraph (n), such item shall be classified under that commodity classification in which the largest single ingredient (measured by weight) is defined.

TABLE A—SPECIFIC MARKUPS FOR CERTAIN GROCERY ITEMS

(a) This Table A applies to all wholesalers of the grocery items covered by this section located in the Territory of Hawaii. All wholesalers shall use these markups listed if the item being priced is contained herein. If the item being priced is not listed in this Table A, then the wholesaler shall use the applicable division factor set forth in Table B of this section.

(b) *Specific markups for sales to retail grocery stores.* Any wholesaler making a sale to a retail grocery store of any of the items set forth below, shall add the following markups to his "landed cost" as provided in paragraphs (b), (c), (d) and (e) of this section. "Commodity classification number", as used in this table, means the number assigned to the particular subparagraph of paragraph (n) of this section, in which the grocery items listed are classified and defined.

TABLE A—Continued

Commodity classification number	Grocery items	Unit	Maximum wholesale markup over landed cost per unit
12.....	Family Flour.....	1 lb.....	\$0.0035
12.....	Family Flour.....	95-100 lbs.....	.35
12.....	Family Flour.....	40-50 lbs.....	.175
26.....	Locally produced refined white sugar.....	1 lb.....	.002
26.....	Locally produced refined white sugar.....	100 lbs.....	.20
31.....	Evaporated Milk, FSCC.....	45/14 1/2 oz. can.....	.25
37.....	Rice, FSCC.....	1 lb.....	.0034
37.....	Rice, FSCC.....	100 lbs.....	.35

(c) *Specific markups for sales to buyers other than retail grocery stores.* In the case that a wholesaler makes a sale of any grocery item listed in paragraph (b) of this table to a buyer other than a retail grocery store, he may add to the maximum wholesale price, computed in accordance with the provisions of said paragraph (b), an amount equal to 5% of such maximum wholesale price.

TABLE B—MARGINS FOR CERTAIN GROCERY ITEMS

(a) The division factors set forth in this Table B shall apply to all wholesalers of the grocery items covered by this section located in the Territory of Hawaii. Each wholesaler shall divide his "landed cost", as defined by paragraphs (b), (c), (d) and (e) of this section, by the appropriate division factor set forth in Table B.

(b) *Sales to retail grocery stores only.* The following division factors shall apply to all sales to retail grocery stores, except as provided in paragraph (d) of this table. "Commodity Classification Number", as used in this table, means the number assigned to the particular subparagraph of paragraph (n) of this section, in which the grocery items listed are classified and defined.

Commodity classification number	Grocery items	Division factor
1.....	Canned fruits and berries: (a) Peaches, pears, pineapples, and fruit cocktail.....	\$0.90
	(b) All others.....	.83
2.....	Canned vegetables: (a) Peas, corn, tomatoes, and FSCC beans.....	.90
	(b) All others.....	.88
3.....	Canned seafood: (a) FSCC, all kinds.....	.83
	(b) Oysters, codfish cakes, fish flakes, barracuda, squid and mackerel.....	.86
	(c) All others.....	.84
4.....	Canned juices: (a) Pineapple and tomato.....	.89
	(b) All others.....	.87
5.....	Canned citrus fruits.....	.87
6.....	Soups: (a) Canned soups.....	.90
	(b) Dehydrated soups.....	.88
7.....	Pickles and olives and certain spiced fruits and vegetables.....	.85
8.....	Condiments and sauces: (a) Tomato, tomato hot sauce and soyu.....	.88
	(b) Catsup, mustard and vinegar.....	.86
	(c) All others.....	.82
9.....	Cereals: (a) Ready to eat.....	.90
	(b) Cooking.....	.87
10.....	Preserves, jams and jellies.....	.88
11.....	Peanut butter.....	.88
12.....	Bakers' and family flour: (a) Bakers' flour.....	.91
	(b) Family flour.....	None
13.....	Prepared package flour: (a) Without shortening.....	.90
	(b) Containing shortening.....	.85
14.....	Spices and extracts: (a) Black pepper.....	.83
	(b) Vanilla extract.....	.80
	(c) All others.....	.78
15.....	Paste products.....	.86

TABLE B—Continued

Commodity classification number	Grocery items	Division factor
16.....	Dried fruits: (a) Prunes and raisins, FSCC.....	\$0.89
	(b) All others.....	.83
17.....	Dried edible beans and peas: (a) Packaged or in bag lots.....	.87
	(b) In less than bag lots.....	.84
18.....	Pet foods and supplies.....	.84
19.....	Beverage bases and concentrates.....	.81
20.....	Tea.....	.85
21.....	Cocoa and chocolate.....	.89
22.....	Soap, bar and package laundry.....	.88
23.....	Soap, toilet.....	.89
24.....	Cleaners and home laundry supplies.....	.87
25.....	Salt: (a) Packaged.....	.90
	(b) In bulk.....	.85
26.....	Sugar: (a) Local Refined, white.....	None
	(b) All other.....	.92
27.....	Mayonnaise, salad dressing, sandwich spreads.....	.84
28.....	Dessert powders.....	.89
29.....	Fountain supplies.....	.83
30.....	Bakers' and Confectioners' Supplies: (a) Shelf sizes of baking powder and baking soda.....	.88
	(b) All others.....	.84
31.....	Evaporated milk.....	None
32.....	Milk products other than evaporated milk.....	.89
33.....	Packaged nuts: (a) Peanuts.....	.88
	(b) Others.....	.86
34.....	Bulk nuts: (a) In bag lots.....	.86
	(b) In less than bag lots.....	.84
35.....	Syrup and honey.....	.88
36.....	Cooking starch.....	.89
37.....	Rice: (a) FSCC.....	None
	(b) All other.....	.88
38.....	Baby foods: (a) Strained and dried fruits and vegetables.....	.89
	(b) All other.....	.87
39.....	Crackers, cookies, and specified cakes: (a) Crackers.....	.89
	(b) Cookies.....	.87
	(c) Rum cakes, fruitcakes, plum puddings and pralines.....	.85
40.....	Specific wooden products.....	.80
41.....	Popcorn, potato chips and shoestring potatoes.....	.85
42.....	Charcoal.....	.83
43.....	Dehydrated vegetables.....	.89
44.....	Canned meats: (a) FSCC meats and cans of 2 1/4 lbs. and over.....	.90
	(b) Vienna sausage, deviled meat.....	.89
	(c) Chicken, turkey, and other poultry.....	.87
	(d) All others.....	.84
45.....	Coffee.....	.94
46.....	Cooking and salad oils: (a) Olive oil.....	.85
	(b) All others.....	.90
47.....	Oleomargarine.....	.84
48.....	Shortening and lard.....	.91
49.....	Quick frozen fruits and vegetables.....	.80
50.....	Dried and shredded seafood: (a) Fish.....	.80
	(b) Shrimp.....	.85

(c) *Sales to buyers other than retail grocery stores.* In the case that a wholesaler makes a sale to a buyer other than a retail

grocery store, the wholesaler shall deduct .05 from all the division factors set forth in paragraph (b) of this table, except in the case of sales of shortening and lard the wholesaler shall deduct .01 from the applicable division factor. However, no such deduction shall be made for the grocery items contained in Commodity Classification Numbers 12, 19, 29, 30, and 41, except shelf sizes of baking powder and soda, contained in Classification No. 30.

(d) *Special provisions relating to the margins established in paragraphs (b) and (c) of this table.* The following division factors shall be applied to the grocery items, contained in the commodity classifications set forth below, in lieu of those set forth in paragraphs (b) and (c) in the following instances:

Commodity Classification Number

- 1 In the case of sales of any canned fruits and berries packed in glass containers, the applicable division factor shall be reduced by .02.
- 2 In the case of sales of any canned vegetables packed in glass containers the applicable division factor shall be reduced by .02.
- 19 In the case of sales of any beverage bases and concentrates in less than case lots, the division factor shall be .77. An "assortment" shall not be considered as less than a case lot so long as the buyer is willing to take all of the items in a case containing any element of the assortment.
- 29 In the case of sales of any "fountain supplies" in less than a case lot the division factor shall be .77. An "assortment" shall not be considered as less than a case lot so long as the buyer is willing to take all of the items in a case containing any element of the assortment.
- 30 In the case of sales in less than a case lot of any "bakers' and confectioners' supplies", except sales of baking powder and baking soda in shelf sizes that are sold to retail grocery stores, the division factor shall be .77. An "assortment" shall not be considered as less than a case lot so long as the buyer is willing to take all of the items in a case containing any element of the assortment.
- 44 In the case of sales of any "canned meats" packed in glass containers the applicable division factor shall be reduced by .02.

All of the provisions of this amendment shall become effective as of June 1, 1944, on the Island of Molokai, and as of May 22, 1944, on all other Islands in the Territory of Hawaii, except as follows with respect to sales at wholesale of grocery items in inventory as of May 8, 1944. The "landed cost" of such items need not be recomputed, in accordance with the provisions of paragraphs (b), (c), (d) and (e) of this amendment. The landed cost for any new purchase made from a local source of supply, or a new importation, received from a mainland source of supply, after May 8, 1944, shall be computed in accordance with the provisions of this amendment.

NOTE: The reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12194; Filed, August 14, 1944;
11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373, Amdt. 77]

FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 21, is amended in the following respects:

1. The table following sub-paragraph (c) (1) is amended by changing the prices of one item, by deleting the following potato items: "Gems, U. S. #1," "Combination" and "New Crop Whites," and by adding a new potato item.

	Wholesale maximum price	Retail maximum price
Garlic.....	\$0.33 per lb. net wt.	Per lb. \$0.45
Potatoes; U. S. #1, White.	\$4.75 per 100 lb. bag.	..07

2. The table following sub-paragraph (d) (1) is amended by deleting the following apple items: "Northwest Newton Pippin" and "Winesap".

This amendment shall become effective as of August 2, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12195; Filed, August 14, 1944;
11:47 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 395, Amdt. 31]

ONIONS IN VIRGIN ISLANDS

Section 21, Table 8 is amended by changing the prices of one item to read as follows:

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
2 Imported onions..	1 lb...	\$0.10	\$0.10	\$0.10

This amendment shall become effective as of July 24, 1944.

Issued this 14th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12196; Filed, August 14, 1944;
11:47 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS*

The changes and additions to Parts 1602, 1603, 1604, 1605, 1607 and 1608 of

*Copies may be obtained from the Office of Price Administration.

19 F.R. 5388.

28 F.R. 6621.

29 F.R. 4135, 6154, 7020, 8107.

this chapter set forth below are also contained in Revision 9 of the Renegotiation Regulations, dated August 4, 1944.

JOSEPH M. DOBIE,
Chairman.

PART 1602—PROCEDURE FOR RENEGOTIATION

SUBPART E—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

1. In § 1602.223 paragraph (a) is amended and paragraph (c) added, as follows:

§ 1602.223 *Letter of preliminary inquiry—(a) Unassigned contractors.* The War Contracts Board, through the Assignments and Statistics Branch, may send to contractors and subcontractors who are identified by it as probably subject to renegotiation proceedings (except those who have been previously assigned) a "Letter of Preliminary Inquiry" (see § 1607.702 (a) and (c)). Since the form appearing at § 1607.702 (a) allows a period of thirty days for answering, it will not be used within 30 days of the time for filing prescribed by the 1943 act. The "Letter of Preliminary Inquiry," sent by the Assignments and Statistics Branch, will be to determine whether or not the contractor should be assigned for renegotiation and to what Department or Service, if any, such assignment should be made. The filing of the "Standard Form of Contractor's Report" will constitute compliance with the requirement for mandatory filing under § 1602.222, if filed within the time prescribed by the 1943 act. [RR 223.1]

(c) *Follow-up.* The form appearing at § 1607.702 (d) will be used with respect to contractors who have not made response to a "Letter of Preliminary Inquiry" within the time prescribed for filing under subsection (c) (5) (A) of the 1943 act. Such follow-up letters will be sent by the office which sent the "Letter of Preliminary Inquiry" with appropriate variation in signature. [RR 223.3]

2. Section 1602.224 is amended to read as follows:

§ 1602.224 *Contractor's information and work sheet for renegotiation.* The War Contracts Board, through the Department or Service to which any contractor or subcontractor is assigned, may send to such contractor or subcontractor a form designed to assist him in preparing information when it is contemplated that formal renegotiation proceedings will be carried to conclusion (see § 1602.242). The form prepared for the use of supply contractors is the "Contractor's Information and Work Sheet for Renegotiation" (see § 1607.722) and that for construction contractors, architects and engineers is the "Construction Contractors, Architects, and Engineers Information and Work Sheet for Renegotiation" (see § 1607.724). [RR 224]

SUBPART D—CONDUCT OF RENEGOTIATION

Sections 1602.241 and 1602.242 are amended to read as follows:

§ 1602.241 *Commencement of renegotiation.* Renegotiation proceedings are

commenced by the mailing, by registered mail, of reasonable notice of the time and place of a conference to be held with respect to the renegotiation. (See § 1608.801.) A form which may be used for such purpose is set forth in § 1607.721. Such notice shall be given in all cases of renegotiations with respect to fiscal years ending after June 30, 1943, and in the absence of unusual circumstances such notice shall be given prior to the time a conference is held for the purpose of discussing the refund. In any case where a conference is unnecessary by reason of the progress which has been made in renegotiation prior to the sending out of the formal notice, the notice should be sent, but the conference can be waived by agreement with the contractor. [RR 241]

§ 1602.242 *Data presented by contractor.* The contractor should be prepared to present all the factual data pertinent to the consideration of his case. In this connection, reference is made to the information required in the mandatory financial statement (§ 1602.220 and following) and to other chapters hereof. Suitable forms, designed to help contractors in assembling data of significance in renegotiation, are set out at §§ 1607.722 and 1607.724. These forms are not mandatory, but indicate the type of information required of a contractor to supplement what he supplied on the mandatory financial statement (see § 1607.701). Manufacturers and supply contractors should use the "Contractor's Information and Work Sheet for Renegotiation" (see § 1607.722), and construction contractors, architects and engineers should use the "Construction Contractors, Architects, and Engineers Information and Work Sheet for Renegotiation" (See § 1607.724). (See also § 1602.224.) [RR 242]

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART A—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

In § 1603.311 paragraph (b) is amended by the addition of a reference at the end thereof, and paragraph (c) is amended, as follows:

§ 1603.311 *Allocation of excessive profits in cases of consolidated renegotiation.* * * *

(b) Excessive profits must be allocated among the corporations or enterprises included in the renegotiation, and the renegotiation agreement must disclose the allocation. If excessive profits have been realized and the renegotiation agreement merely imposes liability generally on the entire consolidated group for the profits found to be excessive, without fixing the separate liability, then the members of the group may not be allowed a deduction from their income for Federal tax purposes for the amount of excessive profits to be eliminated under the agreement, or a tax credit under section 3806 of the Internal Revenue Code. The excessive profits must be so allocated even though some or all of the members of the consolidated group par-

ticipate in filing a consolidated Federal tax return. (See § 1607.741 (b) (2)).

(c) The form and method of execution of the renegotiation agreement in the case of a consolidated renegotiation is described in § 1605.502 (m).

* * *

SUBPART D—MANDATORY EXEMPTIONS AND EXCLUSIONS FROM RENEGOTIATION

1. In § 1603.346 paragraph (b) is amended to read as follows:

§ 1603.346. *Construction contracts awarded as a result of competitive bidding.* * * *

(b) *Interpretation and application of exemption.* (1) This section of the 1943 act is applicable only to amounts received or accrued for fiscal years ending after June 30, 1943 (regardless of the date when the contract was made) under any contract which meets all of the following conditions:

(i) The contract is a contract with a Department (i. e., is a prime contract). The exemption has no direct applicability to subcontracts—but see paragraphs §§ 1603.347 and 1603.356 (b) for the principles governing exemption of subcontracts under prime contracts as to which this exemption is applicable.

(ii) The contract is for the construction of a building, structure, improvement or other similar facility. The exemption has no applicability to contracts for the furnishing of materials or supplies even if such materials or supplies are to be used in the construction of a building, structure, improvement or similar facility; nor has the exemption any applicability to contracts for the furnishing or installation of machinery or equipment.

(iii) The contract was awarded as a result of competitive bidding. A contract will be deemed to have been awarded as a result of competitive bidding only if (a) there has been published advertising or such other solicitation for bids as would open the bidding to all qualified bidders who could have been reasonably expected to bid on a job of the size, character and location concerned, (b) bids are received from two or more independent, responsible and qualified bidders in actual competition with each other, (c) the contract is let to the lowest qualified bidder, and (d) the contract price was not in excess of the low bid received.

(2) In distinguishing a contract for the construction of a building, structure, improvement or facility from a contract for the furnishing or installation of machinery and equipment, regard is to be had to the subject matter of the contract. If the subject matter of the contract would, as the subject matter of a subcontract, constitute machinery or equipment within the principles stated in § 1603.335 (b) (2) and (5) of these regulations, the contract will not be deemed to be a contract for the construction of a building, structure, improvement or facility, but will be regarded as a contract for the furnishing or installation of machinery or equipment. In a case where the construction of a building, structure, improvement or facility and the furnishing or installation of machinery or

equipment are embraced within a single contract, the undertaking for the construction job may be severed from the agreement to furnish or install the machinery or equipment and an appropriate finding made as to that portion of the entire contract which may properly be deemed exempt.

(3) If a construction contract is exempt from renegotiation under the provisions of this paragraph, all modifying instruments thereto providing for additional or different construction of buildings, structures, improvements or facilities to be performed at or adjacent to the site of the original project are considered a part of the original construction contract and therefore are exempt from renegotiation, provided, however, That the aggregate contract prices of all such modifying instruments do not exceed one-third of the contract price of the original construction contract.

(4) Determination whether this exemption is applicable to any particular contract shall be made by the Department or Service conducting the renegotiation in which such contract is involved upon the basis of the principles referred to in the preceding subparagraphs of this paragraph. [RR 346.2]

2. In § 1603.347 paragraph (b) is amended to read as follows:

§ 1603.347 *Subcontracts under exempt contracts and subcontracts.* * * *

(b) *Interpretation and application of exemption.* (1) It should be noted that the exemption applies only where the subcontract is under a contract or subcontract exempted by paragraph (1) of subsection (i) of the 1943 act. Thus, subcontracts under prime contracts or subcontracts exempted under the discretionary exemptions authorized by subsection (i) (4) of the 1943 act, the exemption measured by renegotiable volume under subsection (c) (6), or any other exemption or exclusion contained in the 1943 act, are not exempted by this provision. (See § 1603.348 (e).)

(2) In any case involving the renegotiable status of a subcontract under a prime contract the exempt status of which (by reason of the possible application of § 1603.346 (b) has not been determined, the procedure shall be as follows: The Department or Service conducting the renegotiation of such subcontract shall advise the Assignments and Statistics Branch of the identity of the prime contract, the exempt status of which is subject to question. The Assignments and Statistics Branch shall thereupon inform the Department or Service to which the prime contractor has been assigned for renegotiation and such Department or Service shall thereupon determine whether such prime contract is exempt under the provisions of § 1603.346 (b) and shall notify the Assignments and Statistics Branch of such determination and the said Branch shall thereupon notify the Department or Service conducting the renegotiation of the subcontract. In the event that such prime contractor has not been, and will not be, assigned for renegotiation, or if previously assigned and such assignment has been cancelled, the Assignments and

Statistics Branch shall so notify the Department or Service conducting the renegotiation of the subcontract and such Department or Service shall determine whether the prime contract would be entitled to exemption under the provisions of § 1603.346 (b) and shall notify the Assignments and Statistics Branch of such determination. [RR 347.2]

2. In § 1603.348 paragraphs (b) (2) and (c) are amended to read as follows:

§ 1603.348 *Annual receipts under statutory minimum.* * * *

(b) *Computation of aggregate receipts and accruals.* * * *

(2) Affiliate is used in this section to refer to a person who controls or is controlled by or under common control with the contractor. Total receipts or total billings under cost-plus-fixed-fee contracts are included in gross receipts or accruals in computing the limits referred to in this section. For the purpose of applying this provision of the Act gross receipts and accruals will be computed without the elimination of inter-company sales.

(c) *No reduction by refund below exemption.* (1) In connection with the renegotiation of contracts and subcontracts (other than subcontracts referred to in subsection (a) (5) (B) of the 1943 act), no determination of excessive profits after adjustment for state income taxes shall be made in an amount greater than that which, when deducted from the aggregate amount of gross receipts or accruals referred to in paragraph (b) (1) (ii) will reduce them below \$500,000.

(2) In connection with the renegotiation of subcontracts referred to in subsection (a) (5) (B) of the 1943 act, no determination of excessive profits after adjustment for state income taxes shall be made in an amount greater than that which, when deducted from the aggregate amount of gross receipts or accruals referred to in paragraph (b) (1) (i) will reduce them below \$25,000.

(3) In the case of a fiscal year of less than twelve months, ending after June 30, 1943, these rules are applied on a prorated basis.

(4) In the renegotiation of contractors who are subject to renegotiation by reason of the common control provisions of the 1943 act (see paragraph (a) of this section) the refund may reduce the aggregate amount of gross receipts or accruals of any member below the floor specified in subparagraph (1) or (2) of this paragraph but the aggregate of the recoveries from such contractors after adjustment for state income taxes must not reduce the combined adjusted sales of the contractors below the minimum referred to in this paragraph. In the case of companies renegotiated on a consolidated basis the combined adjusted sales will be computed without the elimination of inter-company sales (see paragraph (b) (2)).

(5) Except in those cases where prior to the commencement of renegotiation a contractor makes a retroactive price reduction or refund, applicable to the period which is the subject of renegotiation, in an amount at least equivalent

to the maximum recovery permitted under the preceding provisions of this paragraph (so that if renegotiation proceedings were conducted there could be no recovery by reason of such limitation) the amount of excessive profits will be estimated by the renegotiating agency in the first instance without regard to the possible final effect of the above limitation on the amount of recovery.

(6) In applying the provisions of this paragraph to any case in which an adjustment for state income taxes is required (see § 1603.389), excessive profits shall first be determined and the appropriate adjustment for state income taxes shall be made without regard to any limitations imposed by this paragraph upon the amount of refund. The limitations of this paragraph shall then be applied in determining the amount to be refunded. [RR 348.3]

SUBPART E—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

1. Paragraph (c) of § 1603.355 is amended to read as follows:

§ 1603.355 *Contracts and subcontracts when effective competition is likely to exist.* * * *

(c) *Application of exemption to construction contracts and subcontracts.*

(1) The War Contracts Board has found that competitive conditions affecting the making of construction contracts and subcontracts entered into subsequent to June 30, 1943, were such as to result in effective competition with respect to the contract or subcontract price where all of the following conditions exist,

(i) the contract or subcontract is one for the construction of a building, structure, improvement or other similar facility. The exemption has no applicability to contracts or subcontracts for the furnishing of materials or supplies even if such materials or supplies are to be used in the construction of a building, structure, improvement or similar facility; nor has the exemption any applicability to contracts or subcontracts for the furnishing or installation of machinery or equipment.

(ii) the contract or subcontract did not constitute a substitute for or a revision or extension of an existing contract or subcontract entered into on or before June 30, 1943;

(iii) the work covered by the contract was substantially the same as the work for which the bids were requested;

(iv) bids were received from two or more independent, responsible and qualified bidders in actual competition with each other; and

(v) the contract or subcontract was let to the lowest qualified bidder; at a price not in excess of the low bid;

or where the subcontract is a construction contract which (a) meets the conditions prescribed in subdivision (i) above, and (b) is a subcontract under a contract or subcontract exempt from renegotiation under the foregoing provisions of this paragraph.

(2) In distinguishing a contract or subcontract for the construction of a building, structure, improvement or fa-

cility from a contract or subcontract for the furnishing or installation of machinery or equipment, the principles of § 1603.346 (b) (2) will be followed.

(3) If a construction contract or subcontract is exempt from renegotiation under the provisions of this paragraph, all modifying instruments thereto providing for additional or different construction of buildings, structures, improvements or similar facilities at or adjacent to the site of the original project are considered a part of the original construction contract or subcontract and therefore are exempt from renegotiation: *Provided, however,* That the aggregate contract prices of all such modifying instruments do not exceed one-third of the contract price of the original construction contract or subcontract.

(4) Determination whether this exemption is applicable to any particular contract or subcontract shall be made by the Department or Service conducting the renegotiation in which such contract or subcontract is involved upon the basis of the principles referred to in the preceding subdivisions of this paragraph. [RR 355.3]

2. Paragraph (b) of § 1603.356 is amended to read as follows:

§ 1603.356 *Subcontracts as to which it is not administratively feasible to determine and segregate profits.* * * *

(b) *Exemption.* (1) The War Contracts Board has found that it is not administratively feasible to determine and segregate the profits attributable to activities subject to renegotiation from those not so subject in the case of the following subcontracts:

(i) Subcontracts directly or indirectly under a prime contract to which the provisions of § 1603.346 (b) are applicable as to only a portion of the amounts received or accrued therefrom, due to the fact that a portion of such amounts were received or accrued in a fiscal year ending prior to July 1, 1943;

(ii) Subcontracts directly or indirectly under any modifying instrument of the general type described in § 1603.346 (b)

(4) (regardless of whether such modifying instrument is exempted under that paragraph) which modifies a contract to which the provisions of § 1603.346 (b) are applicable; and

(iii) Subcontracts for the construction of a building, structure, improvement or other similar facility directly or indirectly under any modifying instrument of the general type described in § 1603.355 (c) (2) (regardless of whether such modifying instrument is exempted from renegotiation under § 1603.355 (c)).

The War Contracts Board has therefore exempted the foregoing subcontracts from all the provisions of the 1943 act.

(2) Since the powers of the War Contracts Board under subsection (i) (4) (F) (paragraph (a)) are applicable only to amounts received or accrued for fiscal years ending after June 30, 1943, the exemptions made by this paragraph are applicable only to amounts received or accrued under such subcontracts for fiscal years ending after June 30, 1943.

(3) In determining whether a subcontract is one for the construction of a building, structure, improvement or other similar facility, the principles of § 1603.346 (b) shall be applied. [RR 356.2]

3. Section 1603.358 is amended by changing "quintuplicate" to "triplicate". The section, as amended, reads as follows:

§ 1603.358 *Requests for exemption.* All requests or petitions for the exemption by general classes or types of contracts and subcontracts for a standard commercial article or of contracts or subcontracts where it is claimed there is "effective competition" or of other general classes or types of contracts under subsection (1) (4) of the 1943 act should be made in writing in triplicate and addressed to the War Contracts Price Adjustment Board at the address specified in § 1607.791 (e), and should be supported by a full statement of facts setting forth the basis for the requested exemption. [RR 358]

SUBPART F—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

Sections 1603.362 and 1603.363 are amended by the addition of references. The sections, as amended, read as follows:

§ 1603.362 *Commencement of renegotiation proceedings.* Unless renegotiation proceedings are commenced either, (1) within one year after the close of the fiscal year in which the excessive profits were received or accrued, or (2) within one year after the statement required under subsection (c) (5) of the 1943 act is filed with the War Contracts Board, whichever is later, the liability of the contractor or subcontractor for the fiscal year involved will be discharged. Under subsection (c) (1) of the Renegotiation Act of 1943 the mailing of notice by registered mail of the time and place of a conference to be held with respect to the determination of excessive profits constitutes the commencement of the renegotiation proceeding (see § 1602.241). [RR 362].

§ 1603.363 *Completion of renegotiation proceedings.* Renegotiation must be completed by the making of an agreement or the entry of an order within one year following the commencement of the renegotiation proceeding, or the liability of the contractor or subcontractor for the fiscal year involved will be discharged. The one year period of limitation on completion of renegotiation proceedings does not apply, however, to the review by the War Contracts Board of an order made by a Secretary of a Department or any officer or agency to whom his authority in this respect has been redelegated. Also, the one year period may be extended by mutual agreement. A form which may be used for such extension is set out in § 1607.725, and reference is made to § 1608.821 (a) concerning authority to execute the same. The formalities for its execution are similar to the formalities for the ex-

ecution of a renegotiation agreement (see § 1605.502 (1) including subparagraph (5)). [RR 363]

SURPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

1. In paragraph (d) of § 1603.381 subparagraph (5) is added as follows:

§ 1603.381 *Statutory provisions and general regulations.* * * *

(d) *Profit, cost allocation and allowance; general.* * * *

(5) *Costs previously allowed in renegotiation.* No item of cost shall be deemed "properly chargeable" against or "allocable" to renegotiable business to the extent that such item has, in a previous renegotiation, been charged against or allocated to renegotiable business in determining excessive profits, notwithstanding that such item may be a deduction or exclusion under Chapters 1 and 2E of the Internal Revenue Code in computing taxable net income for the taxable period corresponding to the fiscal period covered by the current renegotiation. [RR 381.4]

2. In § 1603.382 (f) (2) subdivision (iii) is amended to read as follows:

§ 1603.382 *Salaries, wages and other compensation.*

(f) *Pension, annuity, stock bonus and profit sharing plans.* * * *

(2) * * *

(iii) The payments on account of the plan, to be allowed as deductions for Federal income tax purposes, must actually have been paid within the taxable year except that as to payments into a qualified plan, a taxpayer on an accrual basis of accounting is deemed to have made a payment on the last day of the year if the payment is on account of such taxable year and is made within 60 days after the close of the taxable year of accrual.

3. Section 1603.389 (a) is amended by the addition of a reference at the end thereof. The paragraph, as amended, reads as follows:

§ 1603.389 *State income taxes—(a) In general.* Under subsection (a) (4) (B) of the 1943 act, taxes measured by income cannot be allowed as items of cost for purposes of renegotiation. However, this subsection provides specifically that in determining the amount of excessive profits to be eliminated, proper adjustment shall be made on account of the taxes measured by income (other than Federal taxes) so excluded, which are attributable to non-excessive renegotiable profits. The amount of any such adjustment will in no case exceed that part of such taxes actually payable which is payable because of the inclusion in income of the non-excessive renegotiable profits. The term "taxes measured by income" is interpreted to mean taxes which vary in accordance with the amount of net income of the taxpayer. Such term does not include taxes imposed upon or measured by gross income, gross receipts or sales. Such taxes measured by net income are herein referred to generally as "state income taxes" al-

though actually they may not be designated as "income taxes" in the legislation imposing such taxes, and although they may be imposed by political sub-divisions other than a state. For the effect of the floor provision limiting refunds of excessive profits, see § 1603.348 (c) (6). [RR 389.1]

PART 1604—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS

SUBPART A—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Section 1604.407 (c) is amended by the addition of a reference in subparagraph (1). The subparagraph, as amended, reads as follows:

§ 1604.407 *Cost - plus - fixed - fee contracts.* * * *

(c) *Treatment of disallowed costs and adjustment of fees.* (1) Disallowances of costs under cost-plus-fixed-fee contracts made in accordance with the terms of the contracts will, except as noted below, be deducted from the fee. If, however, any part of the amounts so disallowed are determinable business expenses which would otherwise necessarily have been incurred for the continued operation of the business as an enterprise and, if such amounts are deductions of the character permitted under the applicable provision of the Internal Revenue Code and the contractor has fixed-price business, the amount of such disallowances may be allocated to fixed-price renegotiable and non-renegotiable business in proper proportions. Reference is made to §§ 1605.506 (f) and 1607.741 (b) (7), relating to waiver of claims under a cost-plus-fixed-fee contract when the amount of the item disallowed under such contract is allowed as a cost against renegotiable business.

PART 1605—AGREEMENTS AND STATEMENTS

SUBPART A—AGREEMENTS AND CLEARANCES

1. Section 1605.502 is amended in the following respects: Paragraph (b) is amended; subparagraph (8) is added to paragraph (e); in paragraph (1) subparagraph (2) is amended, subparagraph (5) is redesignated (6), and a new (5) is added; and paragraph (m) is added, as follows:

§ 1605.502 *Standard form of agreement.* * * *

(b) *Article 1: Profits to be eliminated.* The agreed dollar amount of excessive profits to be eliminated, after giving effect, in accordance with subsection (a) (4) (B) of the 1943 act, to any adjustment for taxes, other than Federal taxes, measured by income, will be set forth in Article E. Ordinarily such amount will be the excessive profits determined to have been received or accrued during a particular fiscal year under all of the contractor's contracts and subcontracts subject to renegotiation. When the renegotiation covers only contracts and subcontracts completed during a fiscal year or has been conducted only with respect to certain contracts and subcon-

tracts, the language used in Article 1 should be modified accordingly. When the amount of refund is limited by the application of the provisions of § 1603.348 (c), an appropriate statement to that effect will be included in Article I of the Renegotiation Agreement (see suggested form of statement in footnote to Article 1, § 1607.741 (a)). [RR 502.2]

(e) *Article 4: Terms of payment.* * * *

(8) Provision is made in the standard form of renegotiation agreement for the payment of interest on defaulted installments. (See § 1607.741 (a) (4) and (b) (5)). The rate specified in the agreement is "the rate provided by law in the District of Columbia as the rate which is applicable in the absence of express contract as to the rate of interest." (See § 1608.807.) [RR 502.5]

(1) *Formalities of execution.* * * *

(2) The form and method of execution of the renegotiation agreement in the case of a consolidated renegotiation is described in paragraph (m).

(5) If the authority of the person signing the agreement is based upon a written instrument or court order or provision of law (as where the agreement is executed on behalf of a corporation in dissolution, or an estate or trust, or where the authority derives from a power-of-attorney), the agreement should be accompanied or supported by proper evidence of such authority.

(6) The Department conducting the renegotiation has authority to depart from the requirements of this paragraph in its discretion.

(m) *Consolidated renegotiation; agreement, form and execution.* If a group consists of affiliated enterprises, other than parent and subsidiary corporations, the standard form of agreement should be rewritten to include as parties thereto all members of the group to which are allocated any amount of the excessive profits and it must be executed by each such member of the group. If the group consists of parent and subsidiary corporations, the renegotiating agency may require the standard form of agreement to be re-written to include as parties thereto, in addition to the parent corporation, all subsidiaries to which are allocated any amounts of the excessive profits and each such subsidiary must execute the agreement. The renegotiating agency may, however, use the standard form of agreement executed only by the parent corporation. In such event, the following procedure will be followed: (1) the variation in Article 2 set forth in § 1607.741 (b) (2) shall be included in the agreement; (2) Exhibit B to the agreement must contain a clause by which each subsidiary to which is allocated any portion of the excessive profits agrees to pay such portion; (3) Exhibit B must be duly executed by each such subsidiary and an appropriate resolution authorizing such execution must be furnished (see paragraph (1)); and (4) Exhibit B will also provide that payment by the parent corporation will be applied ratably to satisfy the liability

of each member of the group. A form of Exhibit B to be used where the foregoing clauses are required, is set forth in § 1607.742 (b) (2). [RR 502.13]

2. In § 1605.506 paragraph (f) is redesignated (g) and a new paragraph (f) is inserted, as follows:

§ 1605.506 *Additional provisions; variations.* * * *

(f) *Waiver of claims under cost-plus-fixed-fee contracts.* If an item of cost is allowed in renegotiation for an item for which a claim for reimbursement under a cost-plus-fixed-fee contract has been made and disallowed by the Government, the contractor should waive and release such claim under the cost-plus-fixed-fee contract involved to the extent that the amount of the claim is allowed as a cost against renegotiable business (see § 1604.407 (c)). There is set out in § 1607.741 (b) (7) an appropriate form of clause relating to such claims. The form of clause may be varied to fit the particular case. [RR 506.6]

PART 1607—FORMS FOR RENEGOTIATION

SUBPART A—FORMS RELATING TO IDENTIFICATION, ASSIGNMENT AND CANCELLATION OF CASES

1. In § 1607.702 a footnote is added in paragraph (b), and the caption of paragraph (c) is amended, as follows:

§ 1607.702 *Letters of preliminary inquiry.* * * *

(b) *Letter of preliminary inquiry (for use in assigned cases).*

(For use in cases already assigned)

In reply refer to:
LPI-A No. -----

(Letterhead of Appropriate Department or Section)

GENTLEMEN:

Price Adjustment Boards and Sections have been established for the conduct of statutory proceedings for the renegotiation of contracts and subcontracts. Renegotiation with respect to contractors whose fiscal years ended on or before June 30, 1943 is controlled by the Renegotiation Act of 1942 as amended by the retroactive provisions of the Renegotiation Act of 1943. Renegotiation with respect to fiscal years ended after June 30, 1943 is controlled by the Renegotiation Act of 1943. Copies of both Acts are enclosed herewith.

The matter of conducting your statutory renegotiation proceedings has been assigned to this office.

Unless the amount of your business during your latest complete fiscal year was less than the statutory minimum as defined by subsection (c) (6) of the Act applicable to your business for that year, you are required by law to furnish the information called for by the "Standard Form of Contractor's Report." On the basis of the information thus presented, a determination will be made as to whether or not further renegotiation proceedings will be necessary.

To assist you in determining whether or not your business exceeded the statutory minimum as defined in the statutes referred to, your attention is invited to the "Instructions for Preparation of Standard Form of Contractor's Report" which accompany this communication.

The enclosed "Standard Form of Contractor's Report" is requested pursuant to the statutory power to obtain information

deemed necessary under the Act. Your filing of this "Standard Form of Contractor's Report" in satisfactory form will be deemed a compliance with the statutory provision requiring the filing by contractors and subcontractors of a financial statement under the first sentence of subsection (c) (5) (A) of the 1943 Act, if filed within the time prescribed in such Act.

The "Standard Form of Contractor's Report" is to be filed with the undersigned, in duplicate, within thirty days of the date of this letter.¹ If your concern reports on a fiscal year basis for federal income tax purposes, the Report prepared should cover the same period.

If all of the information called for by this form has been furnished the Price Adjustment Agency to which the contractor has been assigned, refer to the final paragraph of instructions.

A separate letter or statement, in duplicate, containing any comments which you believe pertinent with respect to statutory renegotiation as it affects you will be appreciated.

(Appropriate Authorized Signature)

Enclosures:

Standard Form of Contractor's Report (3)
Instructions for Preparation of Standard Form of Contractor's Report
Pamphlet containing Renegotiation Act of 1942 and 1943

[RR 702.2]

(c) *Alternative form of letter of preliminary inquiry.* * * *

2. In § 1607.704 (a) the third paragraph of the statement by contractor is amended by changing "receipts and accruals" to "receipts or accruals" and by changing "agencies or subcontracts" to "agencies and subcontracts", as follows:

§ 1607.704 *Forms for cancellation of assignment—(a) Statement by contractor of non-applicability.*

STATEMENT BY CONTRACTOR

NON-APPLICABILITY OF THE RENEGOTIATION ACT OF 1943

In making this certification recognition is given to the fact that in order to qualify for exemption it is necessary that both of the above conditions should be met; i. e., that the total of receipts or accruals under contracts with the above-named Departments or agencies and subcontracts as defined in the Act (excluding commissions and other income below mentioned) does not exceed \$500,000 and that the total of commissions and other income within the meaning of subsection (a) (5) (B) of the Act does not exceed \$25,000. Accordingly, we do not intend to file a financial statement in conformity with the provisions of the first sentence of subsection (c) (5) (A) of the Act. If we have been assigned for statutory renegotiation, we request that such assignment be cancelled.

SUBPART B—FORMS RELATING TO OPERATION OF RENEGOTIATION

Section 1607.724 is added as follows:

§ 1607.724 *Construction contractors, architects, and engineers information and work sheet for renegotiation—(a) Instructions for preparation.*

¹ Omit "within thirty days of the date of this letter" if this letter is being sent within thirty days of the time for filing prescribed by the 1943 Act.

CONSTRUCTION CONTRACTORS, ARCHITECTS, AND ENGINEERS INFORMATION AND WORK SHEET FOR RENEGOTIATION.

Information indicated in parts I and II herein is required for renegotiation under the Renegotiation Act, as amended. Any part of this information which the contractor has submitted, either in the "Standard Form of Contractor's Report (for Construction Contractors, Architects, and Engineers)" or in connection with a previous renegotiation, may be omitted, provided reference is made to the manner, time, and place of its submission. If any statements or information designated are inapplicable in a particular case, the contractor should so state and give the reason therefor. In financial statements all cents may be omitted. The contractor should so indicate if he prefers to discuss with the renegotiation authorities the methods of segregation of gross earnings and allocation of costs and expenses. In such cases, the contractor should submit all other information requested herein.

The contractor should certify that all information and data (subject to qualifications, if any, specifically set forth) are true and correct to the best of his knowledge and belief.

PART I—INSTRUCTIONS FOR PREPARATION OF EXHIBITS

The enclosed exhibits are provided for the contractor's use in this connection. Should he submit in some other form his income data separated as between renegotiable and nonrenegotiable business, these exhibits should be used as guides.

Exhibit I

For an interpretation of items entering into renegotiable and nonrenegotiable business, respectively, refer to "Standard Form of Contractor's Report (for Construction Contractors, Architects, and Engineers)," Instructions 3, 4, and 6.

Line 1. Gross earnings. Enter total dollar volume of all work done under prime contracts, subcontracts, and purchase orders and other earnings, segregated as indicated by the columnar headings. For lump-sum and unit-price contracts (column A) show total contract price. For cost-plus-fixed-fee contracts (column B) show total reimbursements and fees earned. On joint venture lump-sum and unit-price contracts enter contractor's proportionate share of the total contract price (column C). On joint-venture cost-plus-fixed-fee contracts enter his proportionate share of the reimbursable costs and fees (column C). (Joint ventures are renegotiated as separate entities.) Column D is to be used only by contractors who report for tax purposes on other than the completed contract basis, but who prepare this exhibit I on a completed contract basis.

Line 2. Job costs. Enter in each column the job costs applicable to the corresponding contract earnings entered on line 1. For cost-plus-fixed-fee contracts (column B) include both reimbursable and direct nonreimbursable costs. For joint-venture contracts (column C) show proportionate share of costs.

Lines 5, 8, and 9. General and administrative expenses; other income; other deductions. Allocate to the classifications indicated for each column in accordance with the most equitable method in view of the particular situation.

Line 11. Rental income from owned equipment (net). Enter on this line in column E the renegotiable portion of the net amount (gross less applicable costs and expenses) received or accrued from the rental of equip-

ment owned by the contractor; in column F the nonrenegotiable portion of such net earnings; and in column G the sum of the amounts entered in columns E and F, respectively. If these amounts are significant, the contractor should support them by a separate schedule showing gross earnings from such rentals, distributed between renegotiable and nonrenegotiable business, and costs and expenses applicable to each classification, with resultant net earnings as shown in columns E, F, and G, respectively.

Line 12. Sales and other earnings. Enter on this line in column E the renegotiable portion of the net income from sales and services not included in columns A to D, inclusive; in column F the nonrenegotiable portion of such income; and in column G the sum of the amounts entered in columns E and F, respectively. The contractor should support these amounts by a separate schedule showing net sales and/or income from services, cost of sales and/or services, expenses applicable to each classification, and resultant net profits, as shown in columns E, F, and G, respectively.

Lines 14, 15, 16, 17, and 18. Amounts on these lines are to be entered in column G only.

Supporting schedules. Furnish supporting schedules as directed on the back of exhibits I and IA (also IB if applicable).

PART II—GENERAL INFORMATION

A. One copy each of the following:

1. Balance sheets as of the close of the year under review and each of the three (3) preceding years, and related analyses of surplus or net worth.

2. Income statement as regularly prepared, for the year under review.

3. Federal income and excess profits tax returns filed for the year under review.

4. Detailed or long form audit report, if available.

B. Information relative to affiliates:

1. A statement showing the names and addresses of the contractor's parent, subsidiary, and affiliated companies and organizations, with a brief description of the character of their business, the nature and extent of their affiliation, and an expression of the contractor's opinion as to whether or not, during the year under review, they had business subject to the Renegotiation Act, and as to which should be consolidated for purposes of renegotiation.

2. If the financial statements are submitted on a consolidated basis, similar financial statements for each subsidiary included in such consolidation.

3. The basis of setting intercompany prices (including rentals) when affiliates or subsidiaries are not consolidated.

4. A statement of sales and rentals to and purchases and rentals from subsidiaries and affiliates.

Instructions. The terms "affiliates" and "affiliated companies and organizations" means all persons under the control of or controlling, or under common control with the contractor.

C. A statement or schedule, amplified by adequate explanations, with respect to each of the following:

1. Type and approximate value of any materials or other assistance received from the Government or prime contractors;

2. The effect of raw material exemptions and "excess inventory" calculations provided for in subsection (1) of the Act;

3. Sales of materials and rentals of equipment to subcontractors entering into repurchases from them;

4. Interdepartmental sales not eliminated;

5. Any basic changes during the year under review in accounting methods, depreciation

rates, and/or methods, of inventory valuation;

6. Volume of direct renegotiable earnings from contracts with the subsidiaries of Reconstruction Finance Corporation (Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Co. and Rubber Reserve Co.), and the amount of profits therefrom. (If profits on such earnings are not segregated on the books, best estimate should be given);

7. A brief description of any bonus, pension trust, or other employee compensation plans in effect during the year under review, with comment as to how they are applicable to personnel for which compensation data are specifically supplied (officers, highly paid employees, etc.), and showing the dates that such plans were adopted. State whether approval has been obtained from the Bureau of Internal Revenue.

8. The latest taxable year examined by the Bureau of Internal Revenue and any significant changes made in taxable income or invested capital as a result of examinations made by the Bureau since 1 January 1942;

9. Any changes in excess profits tax credit claimed or to be claimed under section 721 or 722 of the Internal Revenue Code;

10. If royalties in excess of \$25,000 were paid or accrued during the year under review, the names of significant payees and amounts of payments. Similarly, if the contractor received royalties in excess of \$25,000, the names of licensees and amounts received from each;

11. Any revaluation of assets or recapitalization during the year under review;

12. Stockholders owning over 10 percent of voting stock and stockholdings of officers and key executives;

13. Financial interest in any subcontractor, supplier of material, or any concern from which construction plant or equipment has been acquired or rented during the year under review;

14. If the reporting entity is a joint venture, a certified copy of the joint-venture agreement;

15. Schedule showing name, address, and amount paid or accrued to each person, other than full-time employees, for obtaining or attempting to obtain contracts with any of the Departments named in the Act;

16. Any other matters with particular reference to those factors set forth in section (a) (4) (A) of the 1943 Act.

Instructions. Since each of the subjects listed above requires development in some detail for purposes of renegotiation, in order that full value can be given to the contractor's contribution to the conduct of the war, the contractor should give careful consideration to the preparation of his statements relative thereto. While such statements may be amplified at a meeting with representatives of the War Contracts Price Adjustment Board, it is desirable that they be presented in writing before such meeting.

[RR 724.1]

SUBPART D—FORMS RELATING TO AGREEMENTS AND UNILATERAL DETERMINATIONS

In § 1607.741 a footnote is added to paragraph (a); paragraph (b) (2) is revised; subparagraph (7) is added to paragraph (b); and a reference is added at the end of paragraph (c), as follows:

§ 1607.741 *Agreement forms*—(a) *Standard form of agreement.*

WAR CONTRACTS PRICE ADJUSTMENT BOARD

(Department)

RENEGOTIATION AGREEMENT

This agreement is entered into as of the _____ day of _____ 194____, by and between the United States of America (hereinafter referred to as "the Government") and _____

¹ a corporation organized and existing under the laws of the state of _____

² co-partners, doing business under the firm name of _____

³ a sole proprietor, doing business under the name of _____

having its principal office at _____

(hereinafter referred to as "the Contractor").

1. *Profits to be eliminated.* As a result of renegotiation pursuant to the Renegotiation Act, the Government and the Contractor hereby determine and agree that _____

Dollars (\$_____) of the profits derived by the Contractor from contracts and subcontracts of the Contractor which are subject to renegotiation under the Renegotiation Act (hereinafter referred to as "said contracts and subcontracts") represent the amount of profits received or accrued under said contracts and subcontracts during the Contractor's fiscal year ended _____, 194____, (hereinafter referred to as "said fiscal year") which pursuant to the Renegotiation Act should be eliminated.²

2. *Warranty.* This agreement has been entered into in reliance, among other things, upon the representations of the Contractor, including the financial and other data submitted by the Contractor upon the basis of which the statement set forth in Exhibit "A" annexed hereto and made a part hereof was prepared.

The Contractor warrants that the representations made by it to the Government in connection with this renegotiation are true and correct to the best knowledge, information and belief of the Contractor and that to its best knowledge, information and belief, the Contractor has disclosed all material facts required to make the Contractor's representations complete and not misleading.

3. *Tax credit under section 3806 of the Internal Revenue Code.* The Contractor represents that the profits, the amount of which is agreed in Article 1 hereof to be eliminated, were included in income in the Contractor's Federal income and excess profits tax returns for said fiscal year and that the Contractor has applied or will promptly apply for a computation by the Bureau of Internal Revenue, based upon the assessments made to the date of such computation, of the amount by which the taxes of the Contractor for said fiscal year payable under Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code are decreased by reason of the application of Section 3806 of the Internal Revenue Code. The amount, if any, so computed will be allowed as a credit against the amount of profits agreed in Article 1 to be eliminated.

4. *Terms of payment.* The Contractor agrees to pay to the Government the sum of _____ Dollars (\$_____).

¹ Delete inapplicable language.

² If the amount of excessive profits to be refunded is limited by the provisions of § 1603.348 (c) of the Renegotiation Regulations, the following sentence will be added: "The amount of profits to be eliminated hereby has been determined by taking into consideration the application of the \$500,000 or the \$25,000 limitation set forth in subsection (c) (6) of the Renegotiation Act as interpreted by § 1603.348 (c) of the Renegotiation Regulations."

being the amount determined in Article 1 hereof to be eliminated, as follows:

Payment shall be made by check to the order of the Treasurer of the United States and forwarded.

All unpaid installments hereunder may at the option of the Government be declared and thereupon shall become immediately due and payable, in the event of a default continuing for twenty days in the payment of any amount required to be paid under this agreement. Interest at the rate provided by law in the District of Columbia as the rate which is applicable in the absence of express contract as to the rate of interest, shall accrue and shall be payable upon each payment due under this agreement from and after the due date thereof, whether original or accelerated.

5. *Additional profits to be eliminated.* If, as a result of the elimination of the amount of profits determined pursuant to Article 1 hereof, the Contractor shall either receive a refund (whether by repayment or credit) or shall recognize a reduction in its liability (by giving effect thereto on its books) in respect of any item which was allowed as an item of cost in the determination of such profits, then promptly thereafter, the Contractor shall pay to the Government, as additional profits which should be eliminated a sum equal to the amount of such refund or reduction in liability, by the delivery to _____ of a check payable to the order of the Treasurer of the United States in such amount.

In the elimination of said additional profits the Contractor shall be allowed the tax credit, if any, provided by Section 3806 of the Internal Revenue Code.

6. *Covenant against contingent fees.* The Contractor warrants that it has not employed any person to solicit or secure this agreement upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul this agreement.

7. *Officials not to benefit.* No member of or delegate to Congress or resident commissioner or any other person in the employ or service of the United States shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend this agreement if made with a corporation for its general benefit.

8. *Discharge of liability.* This agreement shall be final and conclusive according to its terms, and performance by the Contractor in accordance herewith shall be in full discharge of all liability of the Contractor under the Renegotiation Act for excessive profits received or accrued under said contracts and subcontracts for the fiscal year covered here by and, except upon a showing of fraud or malfeasance or a willful misrepresentation of a material fact, this agreement shall not for the purposes of the Renegotiation Act be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States, and this agreement and any determination made in accordance herewith shall not be annulled, modified, set aside, or disregarded in any suit, action or proceeding.

9. *Renegotiation rebate.* Nothing contained in this agreement shall prejudice any

³ If any part of the profits to be eliminated were derived from prime contracts with Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation or Rubber Reserve Company, insert here: "to the extent of \$_____ and by check to the order of and delivered to the RFC Price Adjustment Board, 811 Vermont Avenue, Washington 25, D. C., to the extent of \$_____."

right which the Contractor may have to recover a renegotiation rebate pursuant to subsection (a) (4) (D) of the Renegotiation Act.

10. *Execution of agreement.* This agreement has been duly executed by or on behalf of the Contractor pursuant to proper authority and by or on behalf of the Government by the War Contracts Price Adjustment Board by its duly authorized representative to whom authority to execute this agreement has been delegated by the War Contracts Price Adjustment Board pursuant to subsection (d) (4) of the Renegotiation Act.

In witness whereof, the parties hereto have executed this agreement in _____ counterparts as of the day and year above written.

(Corporate seal if a corporation)

By _____
(Title of Officer)

Attent:

Secretary

(To be used if executed by a corporation)

UNITED STATES OF AMERICA,

By _____
(Title)

Acting on behalf of the War Contracts Price Adjustment Board created by the Renegotiation Act, under due delegations of authority made pursuant to subsection (d) (4) of the Renegotiation Act.

Each exhibit attached hereto is to be initialed for identification by the persons signing on behalf of the Contractor.

A duly certified copy of the resolution of the Board of Directors of the Contractor, if a corporation, authorizing the execution and delivery of this agreement is to be attached hereto.

[RR 741.1]

(b) *Variations in the standard form.* * * *

(2) *Variations in Article 2 of the standard form.* When the renegotiation covers a parent and subsidiaries unless all parties sign the agreement the following clause should be added to Article 2 of the standard form of agreement by insertion after the first paragraph of Article 2:

Exhibit B annexed hereto and made a part hereof contains a complete list, as represented by the Contractor, of its subsidiaries, all of which are consolidated with the Contractor for the purposes hereof, except such, if any, as may be expressly excluded from such consolidation, as indicated by proper notation on said Exhibit B. Also noted on Exhibit B is the part, if any, of the profits to be eliminated which is allocated to each subsidiary so consolidated with the Contractor. The part unallocated to subsidiaries is allocated to the Contractor. Each such subsidiary to which is allocated any portion of the profits to be eliminated has duly executed said Exhibit B, thereby agreeing to pay to the Government such portion of the profits to be eliminated which has been allocated to it. All representations and warranties made herein by the Contractor shall be applicable to each such subsidiary and each such subsidiary shall be bound by all representations and warranties made with respect to it. Article 8 of this agreement shall likewise be applicable to each such subsidiary as though it were named herein as the Contractor.

Such exhibit may take the following form:

EXHIBIT B—LIST OF, ALLOCATION OF PROFITS TO BE ELIMINATED AMONG, AND AGREEMENT BY, SUBSIDIARIES OF CONTRACTOR INCLUDED IN THE RENEGOTIATION

1. The name, state of incorporation of all subsidiaries, and the dollar amount of profits to be eliminated, if any, which is allocable to each subsidiary, are as follows:

Name and State of Incorporation	Allocation of profits to be eliminated (note 1)
-----	-----
-----	-----
-----	-----

Note 1: If no amount of excessive profits is allocated to a particular subsidiary, insert the word "none" opposite the name of such subsidiary.

2. Each of the undersigned subsidiaries hereby approves and adopts the agreement of which this Exhibit B is a part and agrees to pay to the Government the amount of profits to be eliminated which is allocated to it as hereinabove set forth, and any additional profits eliminated pursuant to the provisions of Article 5 of this agreement resulting from a refund to or the reduction in a liability of such subsidiary: *Provided, however,* That payments by the Contractor pursuant to such agreement shall be applied ratably in satisfaction of the liability of the Contractor and the liability of each of the undersigned. Upon the failure of the Contractor to make when due, either as provided herein or by acceleration, any payment provided by this agreement each of the undersigned subsidiaries agrees to pay to the Government the amount of the profits to be eliminated agreed to be paid by it, to the extent not theretofore paid by the Contractor, together with interest thereon after default as provided in Article 4 of this agreement.

In witness whereof, the undersigned have executed this agreement as of the day and year of execution of the agreement of which this Exhibit B is a part.

Seal

By _____
(Title of officer)

Attest:
[SEAL]

Secretary

By _____
(Title of officer)

Attest:

Secretary

(7) *Clause relating to waiver of CPFF claims.* When appropriate, the following clause may be used.

There have been allowed as costs against renegotiable business in the renegotiation for said fiscal year amounts for which claims for reimbursement under cost-plus-fixed-fee contracts have been made and disallowed by the Government. As part of Exhibit A attached hereto, there is set forth a description of such claims for reimbursement, stating the amount of each claim and the amount thereof which has been allowed as a cost against renegotiable business for the purposes of this agreement. The contractor hereby waives and releases such claims for reimbursement and all rights it may now or here-

after have for the collection or reimbursement of said disallowed items to the extent that amounts under such claims have been allowed as costs against renegotiable business.

In addition, if such clause is used, the claims and amounts being waived should be shown as a part of Exhibit A. [RR 741.2]

(c) *Contents of Exhibit A to the standard form of agreement.* Exhibit A referred to in the standard form of agreement shall contain, as a minimum, the following financial data and information:

(1) The amount of net sales under fixed price contracts in the aggregate and segregated as between renegotiable and non-renegotiable business.

(2) The net profit on each such amount of fixed price business before Federal taxes on income.

(3) The aggregate amount of billings under cost-plus-fixed-fee contracts subject to renegotiation (i. e., costs plus gross fees).

(4) The net fees earned under renegotiable cost-plus-fixed-fee contracts before Federal taxes on income.

(5) The amount of adjustment in the profits to be eliminated on account of taxes other than Federal taxes measured by income.

(6) The amount of profits to be eliminated shown separately as to fixed price and cost-plus-fixed-fee business. If any part of the profits to be eliminated were derived from prime contracts with RFC subsidiaries, such part of such profits shall be indicated.

The form of the exhibit and the manner in which such financial data and information shall be shown shall be within the discretion of the Department which has conducted the renegotiation. In the discretion of such Department, any additional financial data or information may be included in Exhibit A. (See paragraph (b) (7)). [RR 741.3]

SUBPART I—ADDRESSES

1. In § 1607.791 (a) the postal zone for the principal office is changed from "6" to "25".

2. In § 1607.793 (a) the address of the War Department Power Procurement Officer is changed to read as follows: "War Department Power Procurement Officer, Attention: Major George P. Steinmetz, Deputy; Utilities Price Adjustment Section; Room 5004, New War Dept. Building; Washington 25, D. C. Tel. Republic 6700, Ext. 79994 or 76210."

3. In § 1607.794 (b) subparagraphs (4) and (5) are amended to read as follows:

§ 1607.794 *Navy Department.* * * *
(b) *Services and Sales Renegotiation Section.* * * * * *

(4) Office of the Under Secretary of the Navy, Services and Sales Renegotiation Section, Chicago Divisional Office, Room 916, 610 South Canal Street, Chicago 7, Illinois, Tel. Wabash 3860, Ext. 372-3.

(5) Office of the Under Secretary of the Navy Services and Sales Renegotiation Sec-

tion, Los Angeles Divisional Office, Room 907, Van Nuys Building, Seventh and Spring Streets, Los Angeles 14, California, Tel. Tucker 1351.

4. Section 1607.797 is added, as follows:

§ 1607.797 *Reconstruction Finance Corporation Price Adjustment Sections—(a) Headquarters.*

Reconstruction Finance Corporation, Price Adjustment Board, Lafayette Building, 811 Vermont Avenue, N. W., Washington 25, D. C., Tel. Executive 3111, Ext. 8 or 48.

(b) *Field Offices of Price Adjustment Sections.*

Healey Building, Atlanta 3, Georgia, Tel. Main 5612.

Comer Building, Birmingham 3, Alabama, Tel. Birmingham 4-2661.

40 Broad Street, Boston 9, Massachusetts, Tel. Capitol 4070.

Wilson Building, 109 West Third Street, Charlotte 1, N. C., Tel. Charlotte 3-7161.

208 S. LaSalle Street, Chicago 4, Illinois, Tel. State 0800.

Federal Reserve Bank Building, Cleveland 1, Ohio, Tel. Main 8515, Night, Main 8518.

Cotton Exchange Building, Dallas 1, Texas, Tel. LD 171 or Riverside 6751.

Boston Building, Denver 2, Colorado, Tel. Alpine 0415.

607 Shelby Street, Detroit 26, Michigan, Tel. Cherry 8300.

P. O. Box 177, Power Block, Helena, Montana, Tel. Helena 481.

Rusk Building, 723 Main Street, Houston 2, Texas, Tel. Charter 4-6711.

Western Union Building, Jacksonville 2, Florida, Tel. Jacksonville 5-1650.

Federal Reserve Bank Building, Kansas City 6, Missouri, Tel. Victor 3113.

Pyramid Building, Little Rock, Arkansas, Tel. Little Rock 4-0254.

Pacific Mutual Building, Los Angeles 14, California, Tel. Michigan 6321.

Lincoln Bank Building, 421 W. Market Street, Louisville 2, Kentucky, Tel. Wabash 6771.

McKnight Building, Minneapolis 1, Minnesota, Tel. Geneva 8601.

Nashville Trust Company Building, Union Street, Nashville 3, Tennessee, Tel. LD 48 or 5-2182.

Union Building, 837 Gravier Street, New Orleans 12, Louisiana, Tel. Canal 2701.

Federal Reserve Bank Bldg., 33 Liberty Street, New York 5, N. Y., Tel. Rector 2-8100.

Cotton Exchange Building, Oklahoma City 2, Oklahoma, Tel. LD 647 or 2-8541.

Woodmen of the World Bldg., Omaha 2, Nebraska, Tel. Jackson 8200.

1528 Walnut Street, Philadelphia 2, Pennsylvania, Tel. Kingsley 1500.

Pittcock Block, Portland 5, Oregon, Tel. Atwater 6401.

Richmond Trust Building, 7th and, Main Streets, Richmond 10, Virginia, Tel. Richmond 3-6741.

Landreth Building, 320 N. Fourth Street, St. Louis 2, Missouri, Tel. Garfield 3750.

Dooly Building, Salt Lake City 1, Utah, Tel. Salt Lake City 5-7493.

Alamo National Building, San Antonio 5, Texas, Tel. Cathedral 1461.

200 Bush Street, San Francisco 4, California, Tel. Exbrook 6206.

Dexter Horton Building, Seattle 4, Washington, Tel. Main 1080.

Columbia Building, Spokane 8, Washington, Tel. Main 5111.

[RR 797]

5. Section 1607.798 is added, as follows:

§ 1607.798 *War Department Power Procurement Officer Price Adjustment Sections—(a) Headquarters.*

Utilities Price Adjustment Section, Office, Chief of Engineers, Attention: Major George P. Steinmetz, Chief, 5004 New War Department Building, Washington 25, D. C. Tel. Republic 6700, Ext. 79994 or 76210.

(b) *Field Offices of Price Adjustment Sections.*

Commanding General, First Service Command, Office, Service Command Engineer, Attention: Mr. W. K. Lewellen, 808 Commonwealth Avenue, Boston 15, Massachusetts. Tel. Beacon 1300, Ext. 430.

Commanding General, Second Service Command, Office, Service Command Engineer, Attention: Major N. H. Davidson, 270 Broadway, New York 7, New York. Tel. Barclay 7-1616.

Commanding General, Third Service Command, Office, Service Command Engineer, Attention: Mr. H. C. Fleming, 101 East Fayette Street, Baltimore 2, Maryland. Tel. Plaza 8060.

Commanding General, Fourth Service Command, Office, Service Command Engineer, Attention: Major R. B. Lapsley, P. O. Box 4114, Atlanta, Georgia. Tel. Jackson 6180, Ext. 85.

Commanding General, Fifth Service Command, Office, Service Command Engineer, Attention: Major L. F. Dabe, Building 62, Fort Hayes, Columbus 18, Ohio. Tel. Columbus 2171, Ext. 635.

Commanding General, Sixth Service Command, Office, Service Command Engineer, Attention: Capt. V. A. Thieman, 20 No. Wacker Drive, Chicago, Illinois. Tel. Randolph 1311.

Commanding General, Seventh Service Command, Office, Service Command Engineer, Attention: Major R. H. Bradford, Federal Building, 15th & Dodge Streets, Omaha, Nebraska. Tel. Jackson 7900, Ext. 233.

Commanding General, Eighth Service Command, Office, Service Command Engineer, Attention: Major D. W. Reeves, Santa Fe Building, Dallas 2, Texas. Tel. LD 930, Ext. 771.

Commanding General, Ninth Service Command, Office, Service Command Engineer, Attention: Major W. C. Sadler, Fort Douglas, Utah. Tel. Fort Douglas 5-6611.

[RR 798]

PART 1608—STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART A—STATUTES AND EXECUTIVE ORDERS

Section 1608.807 is added, as follows:

§ 1608.807 *Legal rate of interest in absence of agreement; District of Columbia.* (Mar. 3, 1901, 31 Stat. 1377, ch. 854, 1178; July 1, 1902, 32 Stat. 610, ch. 1352.) (See D. C. Code sec. 28-2701.) [RR 807]

SUBPART D—EXEMPTIONS

Section 1608.844 is amended by the addition of vegetable seeds to the list of exempted commodities. The section, as amended, reads as follows:

§ 1608.844 *List of exempted agricultural commodities.* (a) Pursuant to the authority conferred upon the War Contracts Price Adjustment Board by section 403 (i) (2) of the Renegotiation Act of 1943, the Board hereby determines that under subsection (i) (1) (C) of such section, relating to the exemption of con-

tracts or subcontracts for agricultural commodities, the form or state indicated in the following list, is the last form or state at which the exemption applies:

Agricultural commodity:	Last form or state at which exemption is to apply
Beans and peas, dry.	Threshed.
Beeswax	In the comb, or in bulk (not packed).
Berries, edible.	Fresh.
Cinchona bark.	As bark (unprocessed).
Coffee	Beans (green).
Corn	As grain (shelled).
Cotton	Ginned (in the bale).
Cottonseed	Unprocessed (as they come from the gin).
Cream, fluid.	As sold from farms (not pasteurized).
Drugs (botanical).	Crude (unground, unprocessed, unstandardized, unpurified) as customarily sold by the basic producer.
Eggs	In the shell (raw).
Fiber flax straw.	Deseeded (baled or unbaled).
Flaxseed (linseed).	As seed (unprocessed).
Fruits, edible.	Fresh.
Gum opium.	As gum in its natural state.
Hay	Baled or unbaled.
Hemp fiber.	In bales.
Honey	Crude or "country run."
Jute and sisal fiber.	In bales.
Livestock	On the hoof.
Milk, raw fluid.	As sold from farms (not pasteurized).
Peanuts	In the shell (raw).
Pine gum	Not distilled or purified.
Poultry	Alive.
Rice	Rough, unpolished (as it comes from the thrasher).
Sugar beets.	As beets.
Sugarcane	As cane.
Tobacco	Not processed beyond the form or state at which farmers ordinarily sell it.
Tree nuts, edible.	In the shell (raw).
Vegetables.	Fresh.
Vegetable seeds.	Not processed beyond the form or state at which they may be used as seeds.
Wheat, rye, oats and barley.	As threshed grain.
Wool	In the grease (as clipped from live animals).

(b) This determination is made under the principles set forth in § 1603.344 (b) including subparagraph (2) (ii) thereof.

(c) This determination applies to all receipts or accruals under any contract or subcontract for the commodities listed in paragraph (a) of this section regardless of the date when such contract or subcontract was made.

(d) This section may be amended from time to time, revising, amending or supplementing the list of exempted commodities contained in paragraph (a) hereof. [RR 844]

[F. R. Doc. 44-12131; Filed, August 12, 1944; 12:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

The regulations, United States Coast Guard Reserve, 1941 (6 F. R. 1925; 3 F. R. 1319) as amended are hereby further amended as follows:

1. Section 8.10102 (b) is amended to read as follows:

(b) *Organization.* The various ranks, grades and ratings in the Women's Reserve shall correspond to those in the regular Coast Guard not above the rank of captain. There shall not be more than one officer in the grade of captain. The class designations for personnel shall be as follows:

Class W-S. Women appointed as commissioned officers.

Class W-P. Women appointed as probationary commissioned officers.

Class W-CW. Women appointed as chief warrant officers.

Class W-W. Women appointed as warrant officers.

Class W-9. Women enlisted as apprentice seamen for training preliminary to appointment as commissioned officers.

Class W-10. Women enlisted for general service.

2. Section 8.10105 (a) (3) is amended to read as follows:

(3) If the applicant is in a civilian status, possess a degree from an accredited university or college, or lacking such a degree, have completed two years of college work and have had at least two years of acceptable business or professional experience. In exceptional cases, outstanding experience may be offered in lieu of the college requirement.

3. Section 8.10105 is further amended by adding a new paragraph (c) to read as follows:

(c) *Classes W-CW and W-W.* For appointment in Classes W-CW and W-W in the Women's Reserve, an applicant must:

(1) Possess the qualifications specified for Class W-10.

(2) Possess professional qualifications in the specialty for which application is made sufficient to justify the appointment desired.

4. Section 8.10107 is amended to read as follows:

§ 8.10107 *Allowances and benefits.* Members of the Women's Reserve or their dependents shall be entitled to all allowances or benefits provided by law for male officers and enlisted men of the Coast Guard with dependents. The husbands of members of the Women's Reserve shall not be considered dependents and the children of such members shall not be considered dependents unless their father is dead or they are in

fact dependent on their mother for their chief support. This section shall be effective from July 30, 1942.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard,
Commandant.

Approved: August 6, 1944.

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44-12104; Filed, August 12, 1944;
11:00 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 29, Supp. 9]

PART 341—SHIP WARRANT RULES AND REGULATIONS

SUSPENSION OF RATE CEILINGS

General Order 29 (§ 341.75 *Suspension of rate ceilings with respect to vessels of less than 1,000 gross tons*), as amended, is amended by striking out the word "September", and inserting in lieu thereof the word "December". (E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

AUGUST 12, 1944.

[F. R. Doc. 44-12158; Filed, August 14, 1944;
10:36 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 157-A]

PART 95—CAR SERVICE

CARLOADS OF LIME ROCK FROM BUDA TO STARKE, FLA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August, A. D. 1944.

Upon further consideration of Service Order No. 157 (8 F.R. 13517) of October 1, 1943, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 157 (8 F.R. 13517) of October 1, 1943, 49 CFR § 95.31 prohibiting The Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers) from weighing carloads of lime rock from Buda to Starke, Florida (Camp Blanding), be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 USC 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that copies of this order and direction shall be served upon The Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice

of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-12091; Filed, August 11, 1944;
3:59 p. m.]

[S. O. 200, Amdt. 3]

PART 95—CAR SERVICE

REFRIGERATION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 200 (9 F.R. 4402) of April 22, 1944, as amended (9 F.R. 5960, 9 F.R. 9622), and good cause appearing therefor:

It is ordered, That Service Order No. 200 of April 22, 1944, be, and it is hereby, further amended by adding the following exception to paragraph (a) (1) of § 95.337 thereof:

Exception: Bunkers may be filled for the first or initial icing, except on refrigerator cars loaded with potatoes originating in Quay, Curry, and Roosevelt Counties, New Mexico, or in the Hereford District of the Texas Panhandle (Cochran, Hockley, Lubbock, Crosby, Dickens, King Counties and north thereof) or at any point or points on the Union Pacific Railroad Company in the States of Colorado, Kansas, or Nebraska, the first or initial icing shall be limited to the amount of ice that will fill each bunker to not more than three-fourths of that bunker's capacity, and the Union Pacific Railroad Company, at its option, may accord such first or initial icing at a regular icing station enroute after the car is loaded and billed. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this order shall become effective 12:01 a. m., August 11, 1944, and shall vacate Amendment No. 2 hereto on the effective date hereof, and shall expire at 12:01 a. m., September 15, 1944; that a copy of this order and direction shall be served upon the State Commission of each State specified in the exception herein; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-12092; Filed, August 11, 1944;
3:59 p. m.]

PART 95—CAR SERVICE

[S. O. 224]

ICING OF FRUITS AND VEGETABLES IN DESIGNATED WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th of August, A. D. 1944.

It appearing, that there is an acute general shortage of ice in the area located east of the Rocky Mountains which is adversely affecting the movement of fruits and vegetables in refrigerator cars in that area, resulting in congestion of traffic; in the opinion of the Commission an emergency exists requiring immediate action; It is ordered, that:

(a) *Definition of the terms fruits and vegetables as used herein.* The terms fruits and vegetables as used herein mean all fresh fruits and all fresh or green vegetables as described in the Consolidated Freight Classification No. 16 under the heading "Fruits, fresh (not cold-pack), or vegetables, fresh or green (not cold-pack)."

(b) *Initial icing of fruits and vegetables restricted to three-fourths bunker capacity.* No common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car loaded with fruits or vegetables originating in the States of New Mexico, Colorado, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, or Louisiana (west of the Mississippi River), shall initially ice at any point located in the named States or east thereof with more ice than is necessary to bring the ice in each bunker up to, but not above three-fourths of that bunker's capacity.

(c) *Reicing of fruits and vegetables restricted to three-fourth bunker capacity.* No common carrier by railroad subject to the Interstate Commerce Act, on any refrigerator car loaded with fruits or vegetables originating at any point located in the States of Minnesota, Iowa, Missouri, Arkansas, or Louisiana (west of the Mississippi River) or west of those States, shall reice such refrigerator car at any point located east of the eastern boundaries of the States of Arizona, Utah, Wyoming, or Montana, with more ice than is necessary to bring the ice in each bunker up to, but not above, three-fourths of that bunker's capacity.

(d) *Application.* The provisions of this order shall apply to all shipments billed or moving on and after the effective date of this order.

(e) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(g) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service,

Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., August 16, 1944; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-12181; Filed, August 14, 1944;
11:44 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1956, Amdt. 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

ALLOCATION OF HALIBUT WITHIN PORTS

Order No. 1956 of the Secretary of the Interior, issued June 13, 1944, (9 F.R. 6780), entitled "Allocation of Halibut Within Ports" is hereby amended as follows:

Paragraph (b) is amended by adding the following sentence at the end thereof: "Orderly production and marketing of the products of the fishery depend upon the equitable allocation of the catch among primary dealers, but all persons affected by this order are expected to cooperate in supplying the requirements of the armed services and by furthering the distribution of halibut available for civilian use to the principal distributing and consuming centers in substantially the normal percentages of supply."

Paragraph (c) (2) is amended to read as follows:

(2) "Dealer" means any person buying or taking delivery of halibut in wholesale quantities for his own account or the account of others, within fifty miles of the coastal or inland waters of Alaska, Washington, Oregon or California, except retailers and other buyers for resale direct to the ultimate consumer; the term also includes any person soliciting or making arrangements for any such sale or delivery as is described in the preceding clause, even though at a port other than where the sale or delivery or both are actually completed.

Paragraph (d) is amended to read as follows:

(d) *Permits required for dealers.* No person shall operate as a dealer, as defined in paragraph (c) (2) above, nor purchase halibut nor take delivery thereof from another person, within the

geographical limits described in that paragraph except in accordance with a permit issued pursuant to this order by the Fishery Coordinator or his representative. Each permit shall authorize operation at one port only; but the same dealer may have several permits for operation at different ports. Such permits shall be shown by the permittee on request to any person from whom the permittee proposes to purchase halibut. No fisherman or any other person shall deliver or sell halibut to any dealer except in accordance with such a permit. Any person soliciting or making arrangements for such sales or deliveries as are described in paragraph (c) (2) shall be considered to be operating as a dealer at the port where such activity occurs, though the sale or delivery or both are actually completed at some other port."

Paragraph (h) (1) is amended to read as follows, with the approval of the Bureau of the Budget:

(1) All dealers shall keep and preserve for not less than two years accurate records concerning purchases of halibut from fishermen and others, and sales of halibut to secondary dealers and others, showing for each transaction the data, the name and address of the other party, and the amount of halibut involved, by species.

Issued this 10th day of August 1944.

MICHAEL W. STRAUS,
Acting Secretary of the Interior.

[F. R. Doc. 44-12148; Filed, August 14, 1944;
9:44 a. m.]

Notices

DEPARTMENT OF THE TREASURY.

Office of the Secretary.

FOUR PERCENT TREASURY BONDS OF 1944-54

NOTICE OF CALL FOR REDEMPTION

To holders of 4 percent Treasury Bonds of 1944-54, and others concerned:

1. Public notice is hereby given that all outstanding 4 percent Treasury Bonds of 1944-54, dated December 15, 1924, are hereby called for redemption on December 15, 1944, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

WASHINGTON, August 14, 1944.

[F. R. Doc. 44-12171; Filed, August 14, 1944;
10:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order of regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3932), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 23, 1940 (5 F.R. 3332, 3333).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order of regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The Andala Company, Coffee Street, Andalusia, Alabama; work and flannel shirts; 10 percent (T); effective August 12, 1944, expiring August 11, 1945.

Berry Dry Goods Company, 105 East Markham Street, Little Rock, Arkansas; trousers, overalls; 20 percent (AT); effective August 10, 1944, expiring February 9, 1945.

Berry Garment Manufacturing Company, 422 N. Kansas Avenue, Columbus, Kansas; Army herringbone twill one-piece suits; 10 percent (T); effective August 9, 1944, expiring August 8, 1945.

Blain Associates, Blain, Pennsylvania; women's panties, gowns, pajamas and slippers; 4 learners (T); effective August 8, 1944, expiring August 7, 1945.

Covington Manufacturing Company, Inc., Covington, Georgia; men's sport and work shirts; 10 learners (T); effective August 12, 1944, expiring August 11, 1945.

Fox Knapp Manufacturing Company, East Pottsville Street, Pine Grove, Pennsylvania; work clothing, Navy protective clothing; 10 percent (T); effective August 12, 1944, expiring August 11, 1945.

Grayson Garment Factory, Independence, Virginia; boys' and men's sweat shirts, infants' sleepers and overall sets; 45 learners (E); effective August 11, 1944, expiring February 10, 1945.

Hickerson & Company, 1014 Laurel Street, Brainerd, Minnesota; mackinaws, jackets; 10 learners (T); effective August 12, 1944, expiring August 11, 1945.

The Juvenile Manufacturing Company, Inc., 327 No. Flores Street, San Antonio, Texas; children's and infants' wearing apparel, herringbone twill combat jackets; 10 percent (AT); effective August 14, 1944, expiring February 15, 1945.

S. Liebovitz and Sons, Inc., Beech and Evans Street, Pottstown, Pennsylvania; men's and boys' dress and sport shirts; 10 percent (T); effective August 12, 1944, expiring August 11, 1945.

A. Oestreicher, New Grove & Gilligan Streets, Wilkes-Barre, Pennsylvania; infants' and children's wear; 10 percent (T); effective August 12, 1944, expiring August 11, 1945.

R. & J. Underwear Company, Inc., 54 Coit Street, New London, Connecticut; children's pajamas and underwear; 10 learners (T); effective August 12, 1944 expiring August 11, 1945.

The S. & B. Manufacturing Company, Andalusia, Alabama; work pants, khaki trousers; 10 percent (T); effective August 12, 1944, expiring August 11, 1945.

KNITTED WEAR INDUSTRY

Pottsville Mills, Inc., 480 Peacock Street, Pottsville, Pennsylvania; sweaters, polo shirts and mufflers; 10 learners (AT); effective August 12, 1944, expiring February 10, 1945.

HOSIERY INDUSTRY

Belle Meade Hosiery Mill, Inc., 51st and Centennial Boulevard, Nashville, Tennessee; seamless hosiery; 10 learners (AT); effective August 9, 1944, expiring February 8, 1945.

Martinat Hosiery Mills, Inc., Valdese, North Carolina; seamless hosiery; 10 learners (AT); effective August 9, 1944, expiring February 8, 1945.

TELEPHONE INDUSTRY

Central Iowa Telephone Company, Eldora, Iowa; to employ learners as commercial switchboard operators at its Eldora exchange, located at Eldora, Iowa; effective August 12, 1944, expiring August 11, 1945.

Florida Telephone Corporation, Eustis, Florida; to employ learners as commercial switchboard operators at its Eustis exchange, located at Eustis, Florida; effective August 9, 1944, expiring August 8, 1945.

Florida Telephone Corporation, Leesburg, Florida; to employ learners as commercial switchboard operators at its Leesburg ex-

change, located at Leesburg, Florida; effective August 9, 1944, expiring August 8, 1945.

Florida Telephone Corporation, Live Oak, Florida; to employ learners as commercial switchboard operators at its Live Oak exchange, located at Live Oak, Florida; effective August 9, 1944, expiring August 8, 1945.

Florida Telephone Corporation, Broadway & Watula Street, Ocala, Florida; to employ learners as commercial switchboard operators at its Ocala exchange, located at Broadway & Watula Street, Ocala, Florida; effective August 9, 1944, expiring August 8, 1945.

The Norfolk & Carolina Telephone and Telegraph Company, Edenton, North Carolina; to employ learners as commercial switchboard operators at its Edenton exchange, located at Edenton, North Carolina; effective August 12, 1944, expiring August 11, 1945.

Northern Ohio Telephone Company, Genoa, Ohio; to employ learners as commercial switchboard operators at its Genoa exchange, located at Genoa, Ohio; effective August 12, 1944, expiring August 11, 1945.

Northern Ohio Telephone Company, New London, Ohio; to employ learners as commercial switchboard operators at its New London exchange, located at New London, Ohio; effective August 12, 1944, expiring August 11, 1945.

Northern Ohio Telephone Company, Oak Harbor, Ohio; to employ learners as commercial switchboard operators at its Oak Harbor exchange, located at Oak Harbor, Ohio; effective August 12, 1944, expiring August 11, 1945.

Northern Ohio Telephone Company, Port Clinton, Ohio; to employ learners as commercial switchboard operators at its Port Clinton exchange, located at Port Clinton, Ohio; effective August 12, 1944, expiring August 11, 1945.

Polk County Telephone Company, Tryon, North Carolina; to employ learners as commercial switchboard operators at its Tryon exchange, located at Tryon, North Carolina; effective August 10, 1944, expiring August 9, 1945.

The Southwest Telephone Company, Meade, Kansas; to employ learners as commercial switchboard operators at its Meade exchange, located at Meade, Kansas; effective August 12, 1944, expiring August 11, 1945.

The Telephone Service Company, 6 Willipie Street, Wapakoneta, Ohio; to employ learners as commercial switchboard operators at its Wapakoneta exchange, located at 6 Willipie Street, Wapakoneta, Ohio; effective August 9, 1944, expiring August 8, 1945.

CIGAR INDUSTRY

General Cigar Company, Inc., 715 North 4th Street, Allentown, Pennsylvania; machine made cigars; 10 percent (T); cigar machine operating for a learning period of 320 hours at 30 cents per hour, cigar packing and machine stripping for a learning period of 160 hours at 30 cents per hour; effective August 14, 1944, expiring August 13, 1945.

General Cigar Company, Inc., 154 West Church Street, Nanticoke, Pennsylvania; machine made cigars; 10 percent (T); cigar machine operating for a learning period of 320 hours at 30 cents per hour, cigar packing, machine stripping and hand stripping for a learning period of 160 hours at 30 cents per hour; effective August 13, 1944, expiring August 12, 1945.

Signed at New York, N. Y., this 12th day of August 1944.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-12180; Filed, August 14, 1944; 11:41 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6611]

CHARLESTON BROADCASTING COMPANY

NOTICE OF HEARING

In re application of Charleston Broadcasting Company (WCHS); date filed, March 31, 1944; for renewal of license; class of service, broadcast; class of station, broadcast; location, Charleston, West Virginia; operating assignment specified: frequency, 580 kc; power, 5 kw; hours of operation, unlimited (directional antenna, night). File No. B2-R-715.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To obtain full information as to what interest, direct or indirect, if any, the stockholders, or any of them, of the applicant, now have or have held in the Kanawha Valley Broadcasting Company (WGKV), the nature and extent of such interest, when same was acquired, and whether such matters were reported to the Commission, as required by § 43.1 of its rules.

2. To determine whether the applicant's officers, directors, stockholders, and/or agents, or any of them, have made false and misleading statements and representations to the Commission as to the ownership, transfer, and/or control of stock held by any of them in the Kanawha Valley Broadcasting Company (WGKV), or if such parties, or any of them, failed to make full disclosure concerning such matters.

3. To determine what contracts, options, or understandings have been entered into by the owners, or any of them, of stock in the applicant corporation, with reference to the acquisition, ownership, or control of stock of the Kanawha Valley Broadcasting Company (WGKV).

4. To determine whether the statements and representations made in various applications and documents filed with the Commission on behalf of the applicant have fully and accurately reflected the facts concerning the interests of its stockholders, or any of them, in other licensee corporations, particularly the Kanawha Valley Broadcasting Company (WGKV).

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by granting the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must

file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Charleston Broadcasting Company, Radio Station WCHS, 1016 Lee Street, Charleston 24, West Virginia.

Dated at Washington, D. C., August 11, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12159; Filed, August 14, 1944;
10:35 a. m.]

[Docket No. 6630]

ASSOCIATED BROADCASTERS, INC.

NOTICE OF HEARING

In re application of The Associated Broadcasters, Incorporated (KSFO); date filed, March 24, 1944; for renewal of license; class of service, broadcast; class of station, broadcast; location, San Francisco, California; operating assignment specified: frequency, 560 kc; power, 1 kw night, 5 kw day; hours of operation, unlimited. File No. B5-R-27.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the application of Educational Broadcasting Corporation, Radio Station KROW, Docket No. 6643, for the following reasons:

1. To determine whether Station KSFO renders primary service to a substantial portion of the primary service area of Station KROW.

2. To determine whether Station KROW renders primary service to a substantial portion of the primary service area of Station KSFO.

3. To determine who are the officers, directors, and stockholders of The Associated Broadcasters, Inc. (KSFO), and of Educational Broadcasting Corporation (KROW), and the number of shares of stock held and/or voted by each in said licensee corporations.

4. To obtain full information with respect to the connections and relationships, direct or indirect, the nature, extent, and effect thereof, existing between the licensees of Stations KSFO and KROW, and the officers, directors, and stockholders thereof, or any of them.

5. To determine whether a grant of the instant application would be consistent with the provisions of § 3.35 of the Commission's regulations.

6. To determine whether The Associated Broadcasters, Inc. have broadcast over Station KSFO any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, contrary to section 316 of the Communications Act of 1934, as amended.

7. To determine whether the program entitled "Dial a Winner", or any other

program sponsored by Pow Wow Cleanser, broadcast over Station KSFO contains any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or contains or carries any list, in whole or in part, of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme.

8. To determine whether the program entitled "Dial for Dollars", broadcast over Station KSFO, contains any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through a grant of the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provision of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Associated Broadcasters, Inc., Radio Station KSFO, Mark Hopkins Hotel, Mason and California Streets, San Francisco, California.

The respondent's address is as follows: Educational Broadcasting Corporation, Radio Station KROW, 464 19th Street, Oakland 12, California.

Dated at Washington, D. C., August 10, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12160; Filed, August 14, 1944;
10:35 a. m.]

[Docket No. 6643]

EDUCATIONAL BROADCASTING CORP.

NOTICE OF HEARING

In re application of Educational Broadcasting Corporation (KROW); date filed, March 27, 1944; for renewal of license; class of service, broadcast; class of station, broadcast; location, Oakland, California; operating assignment specified: frequency, 960 kc; power, 1 kw; hours of operation, unlimited. File No. B5-R-29.

You are hereby notified that the Commission has examined the application in

the above-entitled case and has designated the matter for hearing to be consolidated with the application of The Associated Broadcasters, Incorporated, Radio Station KSFO, Docket No. 6630, for the following reasons:

1. To determine whether Station KROW renders primary service to a substantial portion of the primary service area of Station KSFO.

2. To determine whether Station KSFO renders primary service to a substantial portion of the primary service area of Station KROW.

3. To determine who are the officers, directors, and stockholders of Educational Broadcasting Corporation (KROW) and of The Associated Broadcasters, Inc. (KSFO), and the number of shares of stock held and/or voted by each in said licensee corporations.

4. To obtain full information with respect to the connections and relationships, direct or indirect, the nature, extent, and effect thereof, existing between the licensees of Stations KROW and KSFO, and the officers, directors, and stockholders thereof, or any of them.

5. To determine whether a grant of the instant application would be consistent with the provisions of § 3.35 of the Commission's regulations.

6. To determine whether Educational Broadcasting Corporation has broadcast over Station KROW any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, contrary to section 316 of the Communications Act of 1934, as amended.

7. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served by a grant of the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Educational Broadcasting Corp., Radio Station KROW, 464 19th Street, Oakland 12, California.

The respondent's address is as follows: Associated Broadcasters, Inc., Radio Station KSFO, Mark Hopkins Hotel, Mason and California Streets, San Francisco, California.

Dated at Washington, D. C., August 10, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-12161; Filed, August 14, 1944;
10:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4921]

AUBURN DIE CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 24, 1944, at ten o'clock in the forenoon of that day (Eastern standard time), in Court Room No. 4, 12th Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-12155; Filed, August 14, 1944;
10:31 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 439]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 8, 1944, by La Mantia Brothers Arrigo of cars FGE 45833, WFE 62182, peaches, now on the Chicago Produce Terminal, to A. L. Shafon, Stevens Point, Wisconsin, via Soo Line.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the gen-

eral public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12093; Filed, August 11, 1944;
3:59 p. m.]

[S. O. 200, 3d Amended Gen. Permit 13]

REICING OF POTATOES IN DESIGNATED STATES

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

Subject to the exception shown below, on any refrigerator car loaded with potatoes originating at any point or points in the States of Colorado, Kansas, Missouri, Nebraska, Wyoming and Utah, to reice in transit one time only and to accord the reicing at stations designated by shippers or, at the carriers' option, at the first icing station on either side of such designated station.

Exception: The reicing described in above paragraph shall be limited to so much ice as is necessary to bring the ice in each bunker up to, but not above, three-fourths of that bunker's capacity, on any refrigerator car loaded with potatoes reiced on the Union Pacific Railroad Company.

This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective at 1:00 p. m., August 10, 1944, and shall expire at 12:01 a. m., September 1, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12094; Filed, August 11, 1944;
3:59 p. m.]

[S. O. 70-A, Special Permit 440]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of

Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, August 9, 1944, by E. E. Fadler Company, of cars MDT 146981 and MDT 5620, peaches, now on the Missouri Pacific Railroad, to Beatrice, Nebraska (U. P.), and St. Joseph, Missouri (Mo. Pac.), respectively. The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12121; Filed, August 12, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 441]

RECONSIGNMENT OF PEACHES AT FORT WAYNE, IND.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Fort Wayne, Indiana, August 9, 1944, by Himmelman Brothers Company, of cars FGEX 21553 and WFEX 62085, peaches, now on The New York, Chicago and St. Louis Railroad, to La Mantia Bros. Arrigo Company, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12122; Filed, August 12, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 442]

RECONSIGNMENT OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 9, 1944, by United Produce Company, of car PFE 95230, lettuce, now on the Chicago Produce Terminal, to R. H. Oswald, Evansville, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12123; Filed, August 12, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 443]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 9, 1944, by National Produce Company of car URT 5803, onions, now on the Chicago Produce Terminal, to Haas Brothers, Cleveland, Ohio (N. K. P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by

filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12124; Filed, August 12, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 444]

RECONSIGNMENT OF HONEYDEW MELONS AT ALBANY, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Albany, New York, August 9, 1944, by Associated Fruit Distributors of California, of car FGEX 37178, honeydew melons, now on the Delaware & Hudson Railroad, to Strook & Company, Boston, Massachusetts.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12125; Filed, August 12, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 445]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 9, 1944, by S. Albertson Company of car PFE 31372, oranges, now on the A. T. & S. F. Railway, to S. Albertson Company, Boston, Massachusetts.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12126; Filed, August 12, 1944;
11:49 a. m.]

[S. O. 70-A, Special Permit 446]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, August 10, 1944, by Ferrell Fruit Company, of car ART 16322, peaches, now on the Missouri Pacific Railroad, to St. Joseph, Missouri (Mo.-Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12127; Filed, August 12, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 447]

RECONSIGNMENT OF PEACHES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any com-

mon carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, August 10, 1944, by E. E. Fadler Company, of car MDT 3599, peaches, now on the Missouri Pacific Railroad, to St. Joseph, Missouri (Mo. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12128; Filed, August 12, 1944;
11:41 a. m.]

[S. O. 200, Special Permit 154]

ICING OF POTATOES AT BLUFORD, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To initially ice at Bluford, Illinois (I. C. R. R.), not to exceed 40 cars of potatoes to be shipped at various times on or before September 15, from Long Island, New York, routed LI-PRR-IC, consigned to Q. M. Marketing Center Cold Storage plant, New Orleans, Louisiana, for export by the Army. The following cars, part of the 40 were shipped August 8, 1944: FGE 32821, 10593, 14593, 32480, 11338, and WFE 61522.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12128; Filed, August 12, 1944;
11:41 a. m.]

[S. O. 200, Special Permit 155]

REICING OF POTATOES BETWEEN LAUREL, MONT., AND KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit, one time only on the C. M. St. P. & P. Railroad, between Laurel, Montana, and Kansas City, Missouri, not later than August 12, 1944, car NP 93514, potatoes, moving from Toppensish, Washington, account bunkers now dry.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-12130; Filed August 12, 1944;
11:41 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3919]

HARMONIA S. A. MUSIKVERLAG

In re: Vesting of copyright interests held by Harmonia S. A. Musikverlag, of Budapest, Hungary.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Harmonia S. A. Musikverlag, of Budapest, Hungary, is a business organization created and operating under the laws of, and has its principal place of business in, and therefore is a national of a foreign country (Hungary);

2. Finding that the property identified in subparagraph 3 hereof is property of Harmonia S. A. Musikverlag;

3. Finding that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Harmonia S. A. Musikverlag, of Budapest, Hungary, in, to and under the following:

(a) All rights for film synchronization in or under every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such

rights and claims are held by Harmonia S. A. Musikverlag, of Budapest, Hungary;

(b) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing, excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(c) All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(d) All rights of reversion or reversioning, if any, in any or all of the foregoing;

(e) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing,

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States: *Provided, however,* That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on July 11, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-12079; Filed, August 11, 1944;
11:47 a. m.]

[Vesting Order 3920]

HENRY LITOFF'S VERLAG

In re: Vesting of copyright interests held by Henry Litoff's Verlag, of Braunschweig, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Henry Litoff's Verlag, of Braunschweig, Germany, is a business organization created and operating under the laws of, and has its principal place of business in, and therefore is a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Henry Litoff's Verlag;

3. Finding that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Henry Litoff's Verlag, of Braunschweig, Germany, in, to and under the following:

(a) All rights for film synchronization in or under every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by Henry Litoff's Verlag, of Braunschweig, Germany;

(b) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing, excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(c) All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(d) All rights of reversion or reversioning, if any, in any or all of the foregoing;

(e) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing.

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property hereinbefore de-

scribed in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States: *Provided, however*, That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C. on July 11, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-12080; Filed August 11, 1944;
11:47 a. m.]

[Vesting Order 3921]

SOCIETE DE DROIT DE REPRODUCTION
MECANIQUE

In re: Vesting of copyright interests held by Societe de Droit de Reproduction Mecanique, of Paris, France.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Societe de Droit de Reproduction Mecanique of Paris, France, is a business organization created and operating under the laws of, and has its principal place of business in, and therefore is a national of a foreign country (France);

2. Finding that the property identified in subparagraph 3 hereof is property of Societe de Droit de Reproduction Mecanique;

3. Finding that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Societe de Droit de Reproduction Mecanique, of Paris, France, in, to and under the following:

(a) All right for film synchronization in or under every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by Societe de Droit de Reproduction Mecanique, of Paris, France;

(b) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing, excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(c) All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(d) All rights of reversion or reversioning, if any, in any or all of the foregoing;

(e) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing.

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States: *Provided, however*, That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on July 11, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-12081; Filed, August 11, 1944;
11:47 a. m.]

[Vesting Order 3922]

WIENER BOHEME VERLAG

In re: Vesting of copyright interests held by Wiener Boheme Verlag, of Vienna, Austria.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Wiener Boheme Verlag, of Vienna, Austria, is a business organization created and operating under the laws of, and has its principal place of business in, and therefore is a national of a foreign country (Austria);

2. Finding that the property identified in subparagraph 3 hereof is property of Wiener Boheme Verlag;

3. Finding that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Wiener Boheme Verlag, of Vienna, Austria, in, to and under the following:

(a) All rights for film synchronization in or under every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by Wiener Boheme Verlag, of Vienna, Austria;

(b) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing, excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(c) All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(d) All rights of reversion or revesting, if any, in any or all of the foregoing;

(e) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing.

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Austria);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States: *Provided, however*; That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian.

This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within 1 year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on July 11, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-12082; Filed, August 11, 1944;
11:47 a. m.]

[Vesting Order 3964]

SOCIETA ELETTROCHIMICA DEL TOCE

In re: Interest of Societa Elettrochimica del Toce in an agreement dated March 30, 1939 between Societa Rhodiacta Italiana and E. I. du Pont de Nemours & Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Societa Elettrochimica del Toce is a business organization, organized under the laws of Italy and is a national of a foreign country (Italy);

2. That the property described in subparagraph 3 hereof is property of Societa Elettrochimica del Toce;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinbefore described, together with the right to sue therefor) created in Societa Rhodiacta Italiana by virtue of an agreement dated March 30, 1939 between E. I. du Pont de Nemours & Company and Societa Rhodiacta Italiana (including all modifications and supplements to such agreement, including, but without limitation, a letter dated March 30, 1939 from E. I. du Pont de Nemours & Company to Societa Rhodiacta Italiana and Societa Elettrochimica del Toce; a letter dated August 11, 1939 from E. I. du Pont de Nemours & Company to Societa Rhodiacta Italiana; a letter dated September 11, 1939 from Societa Rhodiacta Italiana to E. I. du Pont de Nemours & Company; a letter dated September 28, 1939 from E. I. du Pont de Nemours & Company to Societa Rhodiacta Italiana and an assignment agreement executed by Societa Rhodiacta Italiana and Societa Elettrochimica del Toce on January 29, 1940) relating, among other

things, to Patents and Patent Applications, is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 22, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-12165; Filed, August 14, 1944;
10:40 a. m.]

[Vesting Order 3968]

DEUTSCHE EDELSTAHLWERKE A. G.

In re: Interest of Deutsche Edelstahlwerke Aktiengesellschaft in an agreement dated May 19, 1939 with Westinghouse Electric & Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Deutsche Edelstahlwerke Aktiengesellschaft is a business organization organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Deutsche Edelstahlwerke Aktiengesellschaft;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with

respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Deutsche Edelstahlwerke Aktiengesellschaft by virtue of an agreement dated May 19, 1939 (including all modifications thereof and supplements thereto, if any) by and between Westinghouse Electric & Manufacturing Company and Deutsche Edelstahlwerke Aktiengesellschaft, relating, among other things, to United States Patent No. 1,773,793

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany); And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-12167; Filed, August 14, 1944;
10:41 a. m.]

[Divesting Order 65]

WALTER SOBERNHEIM (Y MAGNUS)

In re: Walter Sobernheim (y Magnus) N. V. Handel-Maatschappij "Waldorf".

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on December 4, 1942, by Vesting Order No. 435 (7 F. R. 10403) vested certain securities theretofore held by the Chase National Bank as Custodian for N. V. Handel-Maatschappij "Waldorf", including those

securities described in Exhibit A attached hereto and made a part hereof;

2. Having received thereafter notice of claim No. 240 pursuant to General Order No. 4 (7 F. R. 5539) which claim asserted that the claimant, Walter Sobernheim (y Magnus), had a right to ownership and possession of the securities described in Exhibit A attached hereto;

3. Having transmitted the said claim to the Vested Property Claims Committee and a hearing on the claim having been held pursuant to notice (8 F. R. 11393) and opportunity to be heard having been afforded to any person desiring to be heard and having received and examined the record of said hearing;

4. Finding on the basis of said record that:

(a) The claimant was not on April 8, 1940 and is not now and has not been at any intervening time, a national of a designated enemy country as those terms are defined in section 10 (a) of Executive Order No. 9095, as amended and in Vesting Order No. 435, and

(b) On December 4, 1942 (the date of execution of Vesting Order No. 435) the claimant was the owner of all right, title and interest in and to the property described in Exhibit A attached hereto; and

5. Determining that it is in the interest of and for the benefit of the United States to convey said property to the claimant.

Now, therefore, the undersigned assigns, transfers, and conveys to the said claimant all the right, title, and interest of the undersigned in and to the property described in Exhibit A attached hereto and in and to all dividends and interest received or accrued thereon.

This divesting order shall not bar any person from the prosecution of any suit at law or in equity against the said claimant to establish any right, title, or interest which such person may have in said property.

Executed at Washington, D. C., on November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Associated Gas & Electric Corp.	
Deb. 3 3/4 % 1978-----	510,000
Cities Service Convertible Deb. 5 5/8 % 1950-----	10,000
Hudson & Manhattan R. R. Co., First Lien and Refunding Mtg., 5%, Feb. 1, 1957 (described in Exhibit A of Vesting Order No. 435 and Exhibit A of Claim 240 as \$10,000.00 Hudson & Manhattan R. R. Co. 1st. Ref. 4 5/8 % 1950)-----	10,000
Third Avenue Ry. 1st Ref. 4 5/8 % 1950-----	10,000
	Shares
American Radiator and Standard Sanitary, Common-----	100
General Motors Corp., Common-----	200
H. L. Green Co., Inc., Common (described in Exhibit A of Vesting Order No. 435 and Exhibit A of Claim 240 as 100 Shares H. L. Green Co., Common)-----	100
North American Rayon Corp., Common, Class B (described in Exhibit A of Vesting Order No. 435 and Exhibit A of Claim 240 as 200 Shares North American Rayon, B. Common)-----	200
Penn. R. R. Company, Common (described in Exhibit A of Vesting Order No. 435 and Exhibit A of Claim 240 as 100 Shares Penn. R. R. Corp., Common)-----	100
Union Pacific R. R. Co., Common-----	50

Tranque and Williams Steel Forging Corp., Common (described in Exhibit A of Vesting Order No. 435 and Exhibit A of Claim 240 as 300 Shares Tranque and Williams Steel Forging Co., Common)----- 300

[F. R. Doc. 44-12163; Filed, August 14, 1944;
10:41 a. m.]

PAUL F. MARXOV AND ARTHUR BLOCH

ORDER FOR AND NOTICE OF HEARING

Whereas, by Vesting Order No. 290, dated November 2, 1942 (7 F. R. 9333), the Alien Property Custodian vested, among other things, the following described property:

United States Patent Application Serial No. 386,189 for "method of preparing cocoa and chocolate products" filed by Johan E. Nyrop of Denmark.

Whereas, Paul F. Marxov and Arthur Bloch have filed a joint notice of claim No. 2226 and a joint claim on Form APC-17 wherein Paul F. Marxov asserts that he is a citizen of Denmark, resident of the United States and wherein Arthur Bloch asserts that he is a citizen and resident of the United States and wherein they assert that they are the owners of and/or have an interest in said patent application and/or the royalties accrued and to accrue therefrom.

Now therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F. R. 16709), that a hearing on said claims be held before the Vested Property Claims Committee or any member or members thereof on Tuesday, September 12, 1944, at 10:00 a. m., Eastern War Time, at the Office of the Alien Property Custodian, 120 Broadway, New York, New York, to continue thereafter at such time and place as the Committee may determine. It is further ordered, That copies of this notice of hearing be served by registered mail upon the claimants and upon the person designated in paragraph 2 of the said notices of claims, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claims may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington 25, D. C., on or before September 9, 1944.

The foregoing characterization of the claims is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claims. Copies of the claims and of the said vesting order are available for public inspection at the address last above stated.

By authority of the Alien Property Custodian.

VESTED PROPERTY CLAIMS COMMITTEE,

[SEAL] JOHN C. FITZGERALD,
Chairman.

AUGUST 11, 1944.

[F. R. Doc. 44-12163; Filed, August 14, 1944;
10:41 a. m.]

ORDER FOR AND NOTICE OF HEARING

a. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Thoma by virtue of an agreement by and between said Hans Thoma and Hanseas Patent Service Corporation, dated January 25, 1935, relating among other things to Patent Number 1,931,969 and to the disbursement of certain royalties due to said Hans Thoma by virtue of an agreement dated January 1, 1935 between said Hans Thoma and Vickers, Inc., a Michigan corporation, and

b. All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Thoma by virtue of an agreement by and between said Hans Thoma and Vickers, Inc., a Michigan corporation, dated January 1, 1935, relating among other things, to Patent Number 1,931,969.

Whereas, the Hansea Corporation has filed Notice of Claim No. 1076 wherein it asserts that it is a corporation organized and existing under and by virtue of the

laws of the State of New York and that it is the owner of and/or has an interest in and to the property vested by Vesting Order No. 1239 and/or to the royalties accrued and to accrue therefrom.

Now therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F.R. 16709), that a hearing on said claims be held before the Vested Property Claims Committee or any member or members thereof on Monday, September 11, 1944, at 1:30 p. m., Eastern War Time, at the Office of the Alien Property Custodian, 120 Broadway, New York, New York, to continue thereafter at such time and place as the Committee may determine. *It is further ordered*, That copies of this notice of hearing be served by registered mail upon the claimants and upon the persons designated in paragraph 2 of the said Notice of Claim, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claims may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets, NW., Washington, (25), D. C., on or before September 8, 1944.

The foregoing characterization of the claim is for informational purposes only.

and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the address last above stated.

By authority of the Allen Property Custodian.

VESTED PROPERTY CLAIMS
COMMITTEE.

[SEAL] JOHN C. FITZGERALD,
Chairman.

AUGUST 11, 1944.

[F. R. Doc. 44-12170; Filed, August 14, 1944;
10:41 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 906]

BITUMINOUS COAL IN DISTRICT 8

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, the following maximum prices are established for the sizes, uses and methods of shipment of bituminous coal from the mines, indicated by index number and name, all of which are in District No. 8, as follows:

DISTRICT NO. 8—MAXIMUM PRICE EXCEPTIONS

Mine index No.	Mine name	Sub- dis- trict No.	High volatile rail and railroad fuel shipments ¹																				Truck and wagon							
			1	2	3	4	5	6	7	8	9	10	15-17	18	19	20-21	22	23	1	2	3	4	5	6	7	8				
13.....	Allburn.....	8	355	350	340	340	340	340	340	335	335	345	335	330	330	330														
8.....	Alma.....	8	345	340	325	325	320	320	310	310	310	345	205	300	360	311														
492.....	Anchor #5.....	4	350	350	345	345	355	340	320	315	315	370	350	295	290	335														
7003.....	Blue Ridge.....	3	360	350	345	345	325	325	310	310	310	340	310	310	310	310														
57.....	Bell.....	0	445	445	390	385	405	400	360	345	315	395	315	310	315	310														
481.....	Virglow.....	7	450	450	450	425	405	380	375	300	330	395	310	305	295	290														
405.....	Reynolds-Squardce.....	4	415	410	400	400	360	360	345	335	335	380	340	335	325	320														
4.....	Blue Bird.....	3	345	340	325	325	320	315	310	300	200	340	310	295	290	290														
74.....	Buffalo.....	6	345	345	335	335	335	330	325	310	205	355	310	280	275	295														
142.....	Cross Mountain.....	6	390	385	370	370	360	380	355	350	340	380	345	340	325	295														
410.....	Royal.....	6	390	385	370	370	360	380	355	350	340	390	345	340	325	290														
68.....	Carbon Fuel #3.....	4	395	385	375	370	370	340	325	325	325	370	325	325	320	280														
690.....	Central Elkhorn #3.....	1	385	380	370	370	370	355	350	350	350	380	350	350	350	350														
104.....	Christian Colliery #1.....	4	365	365	360	360	360	350	325	320	315	385	320	320	320	315														
105.....	Christian Colliery #2.....	4	365	365	360	360	360	350	325	320	315	385	320	320	320	315														
106.....	Christian Colliery #3.....	4	365	365	360	360	360	350	325	320	315	385	320	320	320	315														
109.....	Huff Creek.....	5	345	345	335	335	335	335	335	315	315	345	305	330	330	330														
110.....	Glinchmore.....	6	465	465	465	420	410	385	365	350	340	410	320	310	300	295														
638.....	Jubilee.....	2	475	475	475	455	435	410	390	375	345	445	345	335	330	290														
123.....	Clover Splint.....	2	435	435	435	415	395	370	350	335	325	370	300	330	290	245														
413.....	Belmont #8.....	4	420	415	405	405	360	380	355	350	340	390	345	340	330	325														
5574.....	Dixiana.....	7	390	390	360	360	345	335	330	320	315	300	305	305	305	300														
526.....	Tom's Creek.....	1	440	430	430	415	405	375	245	340	335	405	340	330	320	315														
3612.....	Turner Branch.....	1	440	430	430	415	405	375	245	340	335	405	340	330	320	315														
124.....	Columbus Mining #3.....	3	385	385	375	375	370	360	335	330	325	370	350	345	335	330														
126.....	Columbus Mining #5.....	3	360	360	355	355	330	325	315	300	205	350	315	310	300	295														
127.....	Columbus Mining #6.....	3	385	385	375	375	370	360	335	330	325	370	335	330	325	325														
5445.....	Consolidation #207.....	1	385	380	370	370	355	340	320	315	315	370	315	310	310	310														
135.....	Consolidation #214.....	1	385	380	370	370	355	340	320	315	315	370	315	310	310	310														
921.....	Crystal Block #2.....	8	245	340	325	325	320	320	310	310	310	345	320	300	300	300														
763.....	Low Ash.....	1	365	360	350	350	345	335	315	315	315	370	315	310	300	295														
161.....	Darb Fork.....	3	355	360	350	350	345	335	315	315	315	245	315	300	295	295														
439.....	Star Slope.....	4	450	440	430	425	400	360	265	300	355	425	220	350	345	345														
6210.....	Draper.....	5	330	325	320	320	320	320	310	205	305	340	306	295	285	280														
273.....	Elcomb.....	2	330	325	320	320	320	315	310	205	305	345	290	295	290	290														
187.....	Elk Creek #1.....	5	345	340	335	335	335	335	325	325	320	365	320	320	320	320														
725.....	Elk Creek #2.....	5	345	340	335	335	335	335	325	325	320	365	320	320	320	320														
285.....	King Kona #2.....	1	410	405	390	390	375	365	340	335	330	460	335	330	330	335														
196.....	Elkhorn #23.....	1	385	380	370	370	355	355	330	330	330	370	345	345	330	330														
354.....	Nurex.....	6	460	460	460	440	420	395	375	260	330	395	330	310	205	305														
696.....	Fisher.....	6																												
203.....	Fleming.....	7	370	370	365	365	265	245	330	330	325	380	325	315	305	320														
206.....	Fort Branch.....	5	345	340	335	325	330	320	310	295	295	340	320	305	305	305														
207.....	Fourseam.....	3	380	375	365	365	260	360	325	320	315	360	330	315	310	310														
228.....	Hanby.....	6	410	400	390	385	385	370	340	335	330	385	330	310	200	295														
404.....	Rex #2.....	6	445	405	405	405	405	355	340	330	330	385	310	280	290	290														
213.....	Gatlinf.....	6	435	425	415	410	410	385	350	345	340	410	340	335	325	320														
1805.....	Gatlinf #4.....	6	475	475	475	455	435	410	390	375	245	410	345	325	320	320														
50.....	Calvin.....	7	350	350	345	345	345	235	315	310	310	345	310	205	300	290														
364.....	Pardee.....	7	425	425	395	390	380	265	350	340	325	370	205	305	305	305														

Mine index No.	Mine name	Sub-district No.	High volatile rail and railroad fuel shipments ¹																				Truck and wagon							
			1	2	3	4	5	6	7	8	9	10	15-17	18	19	20-21	22	23	1	2	3	4	5	6	7	8				
219	Glen Alum	8	370	370	355	365	350	350	335	325	325	325	325	325	325	325	325	325												
5629	Hager Hill	1	425	415	415	400	390	380	370	360	350	340	330	320	310	300	290	280												
233	Harlan Central	2	360	360	355	355	355	345	340	340	340	340	340	340	340	340	340	340												
235	Harold	1	380	375	360	360	345	345	315	315	315	315	315	315	315	315	315	315												
45	Big Shoal	1	365	360	350	350	345	335	315	315	315	315	315	315	315	315	315	315												
370	Point Lick #1	4	400	390	380	380	385	345	335	335	335	335	335	335	335	335	335	335												
237	Hawthorne	7																												
4110	Allegheny	1	380	375	360	360	355	340	320	315	315	315	315	315	315	315	315	315												
111	Hi Hat	1	385	380	370	370	355	340	320	315	315	315	315	315	315	315	315	315												
23	Argyle	5	350	350	325	325	325	325	325	325	325	325	325	325	325	325	325	325												
252	Imperial #2	4	350	350	345	345	335	320	320	315	315	315	315	315	315	315	315	315												
169	Jeanne Francis	3	350	350	345	345	345	335	315	315	315	315	315	315	315	315	315	315												
493	Jellico Coal	6	485	485	485	465	445	420	400	385	375	365	355	345	335	325	315	305												
5585	Jenny's Creek	1	495	395	395	380	370	360	350	340	330	320	310	300	290	280	270	260												
58	Kentucky Blue Grass	3	380	375	360	360	345	335	315	310	310	310	310	310	310	310	310	310												
2	Adalia	6	405	395	395	395	385	370	355	340	335	330	325	320	315	310	305	295												
28	Belva	6	405	395	395	395	385	370	355	340	335	330	325	320	315	310	305	295												
5957	Lyburn #2	5																												
331	Milburn #1	4	350	350	345	345	335	320	320	315	315	315	315	315	315	315	315	315												
332	Milburn #2	4	350	350	345	345	335	320	320	315	315	315	315	315	315	315	315	315												
298	Long Ridge	6	345	340	335	335	335	320	320	315	315	315	315	315	315	315	315	315												
3764	New Southland #1	6	435	435	420	420	420	400	380	370	360	350	340	330	320	310	300	290												
435	New Southland #2	6	435	435	420	420	420	400	380	370	360	350	340	330	320	310	300	290												
459	Thealka #3	1	420	410	410	395	385	375	365	355	345	335	325	315	305	295	285	275												
25	Auxier #7	1	450	450	450	430	410	395	385	375	365	355	345	335	325	315	305	295												
353	Norton #11	7	345	340	340	340	345	335	315	315	315	315	315	315	315	315	315	315												
511	Zenith	6	400	400	450	450	445	435	410	405	400	395	390	385	380	375	370	365												
437	Darby	2	430	420	420	405	395	385	375	365	355	345	335	325	315	305	295	285												
605	Pewee	6	485	485	485	465	445	420	400	385	375	365	355	345	335	325	315	305												
7051	Red Ash	6	445	435	425	420	420	420	405	395	385	375	365	355	345	335	325	315												
378	Premier Jellico	6	355	350	345	345	345	340	330	320	310	300	290	280	270	260	250	240												
380	Thacker #1	8	330	330	325	325	315	315	315	315	315	315	315	315	315	315	315	315												
185	Edwight #1	4	350	350	350	350	350	350	350	350	350	350	350	350	350	350	350	350												
239	Hazy #3	4	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380												
389	Red Ash	8	380	375	385	380	370	365	355	345	335	325	315	305	295	285	275	265												
394	Red Jacket #6	8	345	340	325	325	320	320	310	310	310	310	310	310	310	310	310	310												
408	Ridgeway	2	350	350	350	350	350	350	350	350	350	350	350	350	350	350	350	350												
446	Steinman	7	365	360	350	350	345	335	325	315	315	315	315	315	315	315	315	315												
36	Belcraft	3	350	350	345	345	350	350	350	350	350	350	350	350	350	350	350	350												
425	Suddy	3	365	365	360	360	350	340	330	320	310	300	290	280	270	260	250	240												
255	Insull	2	375	370	360	360	345	335	315	315	315	315	315	315	315	315	315	315												
297	Lonesome Branch	7	350	350	345	345	345	335	315	315	315	315	315	315	315	315	315	315												
246	Honey Creek	7	365	365	360	360	355	345	335	325	315	305	295	285	275	265	255	245												
818	Laurel	4	350	350	345	345	350	350	350	350	350	350	350	350	350	350	350	350												
454	Swords Creek	7	360	360	345	345	355	335	315	315	315	315	315	315	315	315	315	315												
22	Anthras	6	425	425	405	400	400	390	385	380	375	370	365	360	355	350	345	340												
540	Turner Darby	2	415	395	395	390	380	370	365	360	355	350	345	340	335	330	325	320												
470	Lynch	2	390	389	389	384	384	379	369	364	359	354	349	344	339	334	329	324												
483	War Eagle	8	390	385	370	370	365	365	350	340	330	320	310	300	290	280	270	260												

Mine index No.	Mine name	Sub-district	Low volatile rail shipments								Truck and wagon								Railroad locomotive fuel						
			1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	Lump	R/M	Same as rail prices.	Same as rail prices.	
377	Premier	9	425	435	410	370	375	410	380	320	325	320	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
391	Raven Red Ash #2	9	420	450	425	380	370	405	375	325	320	315	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	
Same as rail prices.																									

¹ The maximum price for coals in size groups 1 to 10, inclusive, for all railroad fuel uses, shall be the maximum price for the grade and size shipped as set forth in prices herein or \$10 per ton, whichever is higher.

² Void on and after 12/2/44.

³ Void on and after 12/31/44.

⁴ Void 6 months from 7/17/44.

⁵ Void 6 months from 7/22/44.

⁶ Void on and after 12/31/44.

⁷ Void 120 days after 2/18/44.

The size group numbers referred to herein are the same as those described in Amendment No. 115 to Maximum Price Regulation No. 120. Where no price appears for a certain use or a certain size, the maximum price provided in the schedule (as amended by Amendment No. 115) for District No. 8 shall apply; unless otherwise specifically provided herein; this is true of all prices for shipment by truck as well.

(b) Order Nos. 8 and Correction 15, 19, 24, 79 and Revised 79, 103 and Correction 112, 116 and Revised 116, 155, 162, 163, 176, 185, 186, 192, 199, 200, 211, 212, 241, 242, 246, 279, 283, 302, 328, 343 and Correction 355, 358, 359, 360, 364, 366, 368, 371, 380, 381, 382, 388, 389, 392, 397 and Correction 422, 423, 427, 428, 429, 464, 465 and Correction 470, 479, 481, 483, 494, 497, 501, 504, 510, 538, 539, 540, 542, 549, 550, 560, 570, 572, 573, 574, 575, 578, 584, 585, 586, 587, 588, 589, 595, 609, 650, 653, 654, 657, 660, 661, 684, 737, 739, 742,

744, 749, 755, 756, 761, 765, 777, 791, 801, 828, 831, 834, 835, 854, 860, 869, 878, 871, 873, and 877 under Maximum Price Regulation No. 120, are revoked.

(c) This Order No. 906 may be amended or revoked at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This Order No. 906 shall become effective August 16, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12030; Filed, August 11, 1944;
3:39 p. m.]

[MPR 120, Order 787]

OSBORN BROTHERS AND WILSON COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES AND
PRICE CLASSIFICATIONS

Correction

In F. R. Doc. 44-7615, appearing on page 5857 of the issue for Tuesday, May 30, 1944, the price classification for Size Group No. 7 in the table for Osborn Brothers, should be "O".

[MPR 189, Amdt. 46 to Order A-1]

VITRIFIED CLAY SEWER PIPE AND ALLIED
PRODUCTS

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith,

has been filed with the Division of the Federal Register.*

Order A-1 is amended in the following respects:

1. Paragraph (a) (34) is added to Order No. A-1 to read as set forth below:

(34) *Modification of maximum prices for vitrified clay sewer pipe and allied products produced in the Eastern and East Central Areas.* (i) On and after August 17, 1944, any manufacturer located within the Eastern or East Central Areas, as defined below, producing vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation No. 206, may increase his maximum f. o. b. factory prices established for such products by Maximum Price Regulation No. 188 by an amount not in excess of 8 percent per short ton.

(ii) The maximum prices fixed herein shall be subject to at least the same extension of cash, quantity and other discounts and allowances as the seller extended or rendered on comparable sales to purchasers of the same class during the month of March 1942.

(iii) Any person purchasing vitrified clay sewer pipe and allied products for resale in the same form may add to his maximum price established on or prior to August 17, 1944, an amount not exceeding the actual dollars-and-cents increased cost to him resulting from the increase in maximum prices permitted manufacturers under subdivision (i) above.

(iv) *Definitions.* When used in this amendment, the term:

(a) "Eastern area" means the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, lower peninsula of Michigan, and that portion of Kentucky described as follows: All points in Campbell and Kenton Counties and points located on the Chesapeake and Ohio Railway from Covington to Catlettsburg, inclusive, and all points on the Big Sandy Division of the Chesapeake and Ohio Railway.

(b) "East Central area" means the State of Indiana, all of the State of Kentucky not included within the Eastern Area, the Upper Peninsula of Michigan, Zones 1, 2, and 5 in the State of Illinois, and Zones 1, 2, and 5 in the State of Wisconsin. In the State of Illinois: Zone 1 comprises all points on and east of Third Principal Meridian south of Baltimore and Ohio Railroad (Chicago, Illinois and Western Railroad) extending through Decatur and Tuscola to the Indiana State Line; Zone 2 covers all points on and north of the Baltimore and Ohio Railroad (Chicago, Illinois and Western Railroad) extending through Decatur and Tuscola, to the Indiana

State Line, and east of Third Principal Meridian from point of intersection with the Baltimore and Ohio Railroad west of Decatur north to point of intersection with the Illinois Central Railroad near Mendota, on and east of the Illinois Central Railroad through Dixon and Freeport to the Wisconsin State Line, excepting all of Lake, Cook, Kane, Du Page and Will counties; Zone 5 includes all of Lake, Cook, Kane, Du Page and Will counties. In the State of Wisconsin: Zone 1 commencing south of a line drawn from Foscoro on Lake Michigan west along the northern boundary of Kewau-nee, Brown, Waupaca, Portage and Wood counties, including the southeast corner of Shawano County, and east of a line running north and south along the western boundary of Green, Dane, Sauk, Janesau, and Wood counties, excepting the counties of Kenosha, Racine, and Milwaukee; Zone 2 starting north of a line drawn from Foscoro on Lake Michigan along the northern boundary of Kewau-nee, Brown, Waupaca, Portage and Wood counties, and through the southeast corner of Shawano County and east of a line drawn north and south along the western boundary of Marathon, Lincoln, Oneida, and Iron Counties; Zone 5 consisting of Kenosha, Racine, and Milwaukee Counties.

This paragraph (a) (34) may be revoked or amended at any time.

2. Paragraph (a) (27) to Order No. A-1, added by Amendment No. 32, issued April 20, effective April 26, 1944, is hereby revoked.

This Amendment No. 46 shall become effective August 17, 1944.

Issued this 12th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12116; Filed, August 12, 1944;
11:24 a. m.]

[MPR 194, Order 1]

J. R. WATKINS CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration for the IXth Region by § 1418.52 (b) of Maximum Price Regulation No. 194, It is ordered

(a) *Effect of this order.* This order establishes maximum prices at which Ralph A. Shores of Juneau, Alaska, (herein called the distributor) may sell, and maximum prices at which retailers may buy and sell, the line of products (herein referred to as Watkins products) manufactured or promoted by the J. R. Watkins Company, in the area comprising the First Judicial Division of the Territory of Alaska.

(b) *Maximum prices on sales by distributor.* The distributor may sell Watkins products to retailers at prices not exceeding the prices set forth in the "Confidential Wholesale Price List" in effect on September 26, 1941, f. o. b. Juneau, Alaska; or f. o. b. Seattle, Washington, where shipment is made to the retailer directly from the continental United States. A copy of such price list has been filed with the Territorial Office of the Office of Price Administration in Juneau, Alaska. No retailer may pay the distributor higher prices.

(c) *Maximum retail prices.* No retailer may sell Watkins products at prices higher than the manufacturer's suggested retail prices set forth in a printed booklet entitled "Descriptive List of Watkins Products with Ordinary Retail Values," a copy of which booklet has been filed with the Territorial Office of the Office of Price Administration in Juneau, Alaska. Such prices shall also apply to sales at retail made by the distributor.

(d) *Distributor to notify retailers.* The distributor shall furnish a copy of this order and a copy of the booklet mentioned in paragraph (c) to each retailer to whom he sells Watkins products and shall also include on his invoice to each retailer the following statement:

Your maximum selling prices for the commodities covered by this invoice, as established by Order No. 1 under Maximum Price Regulation No. 194 issued by the Office of Price Administration, are the prices set forth in a printed booklet entitled, "Descriptive List of Watkins Products with Ordinary Retail Values," a copy of which has been filed with the Territorial Office of the Office of Price Administration in Juneau.

(e) *Definitions.* "First Judicial Division" includes all that part of the Territory of Alaska lying east of the one hundred and forty-first meridian of west longitude.

(f) *Revocations and amendments.* This order may be revoked or amended at any time.

This order shall become effective August 14, 1944.

Issued this 12th day of August 1944.

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 44-12117; Filed, August 12, 1944;
11:24 a. m.]

[MPR 120, Order 807]

LAWRENCE COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Correction

In the table for Chafin Branch Coal Co., in F. R. Doc. 44-8313, appearing at page 6375 of the issue for Saturday, June 10, 1944, the price classification for Size Group No. 7 should be "N".

*Copies may be obtained from the Office of Price Administration.

[Administrative Notice 5]

NOTICE TO GROWERS OF PROPOSED
MAXIMUM PRICES FOR BEETS

Pursuant to the provisions of the Emergency Price Control Act of 1942 as amended the Price Administrator hereby gives notice to growers of the maximum price he proposes to establish for beets.

For November through May the maximum price, f. o. b. country shipping points, in Texas, will be \$1.25 per half L. A. crate, in bunches with tops, per bushel without tops (topped) or per fifty pound bag without tops (topped). For sales delivered at any wholesale receiving point any quantity the maximum price will be the above price plus freight from Brownsville, Texas, to the wholesale receiving point. The Administrator may name maximum prices f. o. b. shipping points in other states for this period. However, such prices will not be lower than the above-mentioned price.

From June through October the maximum price, f. o. b. shipping points in all states for beets as described in the above paragraph will be \$1.35.

Appropriate allowances will be made to cover protective services.

No person who does not pack and ship beets and who does not regularly operate a packing and shipping plant for that commodity, will be permitted to purchase acreage at a price which, after adding the cost of harvesting, hauling, packing and inspection, results in a price higher than the applicable maximum price f. o. b. country shipping point.

The above prices may be incorporated in an amendment to Maximum Price Regulation No. 426 in substantially the same form as Appendix H.

Note: "Country shipping point" means the place in or near the producing area where the beets being priced are prepared for shipment and first loading on cars for rail shipments or on trucks for truck shipment. Prices established for shipping points are not grower ceiling prices unless the grower is the shipper.

Issued this 14th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: August 12, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-12182; Filed, August 14, 1944;
11:47 a. m.]

[Administrative Notice 6]

NOTICE TO GROWERS OF PROPOSED MAXI-
MUM PRICES FOR WHITE FLESH POTATOES

Pursuant to the provisions of the Emergency Price Control Act of 1942, as amended, the Price Administrator hereby gives notice to growers of the maximum prices he proposes to establish for early white table stock potatoes of the 1945 crop.

Maximum prices per cwt. for U. S. No. 1 early white potatoes of the 1945 crop,

No. 162—8

sacked and loaded on carrier, f. o. b. country shipping point, will be as follows:

Period and producing area (Beginning of season)	Maximum prices per 100 lbs.
March 31:	
California.....	\$3.35
All other areas.....	3.85
April 1-15:	
California.....	3.10
Texas, Counties of Hidalgo, Cameron, Willacy.....	3.95
All other areas.....	3.80
April 16-30:	
California.....	3.80
Texas, Counties of Hidalgo, Cameron, Willacy.....	3.95
All other areas.....	3.60
May 1-15:	
Florida, Area north of counties of Charlotte, Glades and Martin, and East of the Suwannee River.....	3.40
California.....	2.70
All other areas.....	3.30
May 16-31:	
Florida, area north of counties of Charlotte, Glades and Martin and East of the Suwannee River.....	3.40
California.....	2.60
All other areas.....	3.60
June 1-30:	
California.....	2.40
All other areas.....	2.80

The foregoing prices may be incorporated into an amendment to Revised Maximum Price Regulation 271 and may be subject to the differentials for grade, size and packaging set forth in that regulation.

Issued this 14th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: August 12, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-12183; Filed, August 14, 1944;
11:47 a. m.]

WAR MANPOWER COMMISSION.

[Region III General Order 9]

PHILADELPHIA, PENNSYLVANIA-CAMDEN,
NEW JERSEY LABOR MARKET AREA

MINIMUM WARTIME WORK WEEK

By virtue of the authority vested in me as Regional Manpower Director of Region No. III by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Philadelphia, Pennsylvania-Camden, New Jersey area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Philadelphia, Pennsylvania-Camden, New Jersey area shall include:

In Pennsylvania: Philadelphia County; Delaware County; Berks County; North Coventry Township, East Coventry Township, South Coventry Township, East Vincent Township, Spring City Borough in Chester County; Montgomery County excluding Pottstown Borough, Lower Pottsgrove Township,

Royersford Borough, Upper Pottsville Township, Douglass Township, New Hanover Township, Red Hill Borough, Pottsville Borough, Upper Hanover Township, East Greenville Borough, West Pottsville Township, Perkiomen Township, Schwenksville Borough, Marlboro Township, Greenlane Borough, Upper Frederick Township, Lower Frederick Township.

In New Jersey: Chester Township, Cinnaminson Township, Palmyra, Riverton, Moorestown Township in Burlington County; Audubon, Barrington, Bellmawr, Berlin Township, Berlin, Brooklawn, Camden, Clementon, Collingswood, Delaware Township, Glassboro, Gloucester City, Gloucester Township, Haddon Township, Haddonfield, Haddon Heights, Hill Nella, Laurel Springs, Lawnside, Lindenwald, Magnolia, Merchantville, Mount Ephraim, Oaklyn, Pennsauken Township, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, Tavistock, Voorhees Township, Woodlynne in Camden County; Clayton, Deptford Township, East Greenwich Township, Elk Township, Franklin Township, in part (North of Newfield), Glassboro, Greenwich Township, Harrison Township, Logan Township, Mantua Township, Monroe Township in part (Williamstown and West), National Park, Paulsboro, Pitman, South Harrison Township, Swedesboro, Washington Township, Wenonah, West Deptford Township Westville, Woodbury, Woodbury Heights, Woolwich Township, in Gloucester County.

II. The effective date of this designation is September 1, 1944 for all essential and locally needed establishments and October 1, 1944 for all other establishments.

III. Not later than the effective date, each employer in the Philadelphia, Pennsylvania-Camden, New Jersey area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a Minimum Wartime Workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any workers;

(b) If extension of the workweek of any of his workers to a Minimum Wartime Workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a Minimum Wartime Workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State, or local law or regulation limiting hours of work.

Date of issuance: August 8, 1944.

FRANK L. McNAMEE,
Regional Director.

[F. R. Doc. 44-12106; Filed, August 12, 1944;
11:39 a. m.]

Regional and District Office Orders.

[Region I Order G-1 Under MPR 154, Amdt. 2]

ICE IN NEW ENGLAND

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1393.8 (e) of Maximum Price Regulation No. 154, it is ordered:

Region I Order No. G-1 is hereby amended in the following respects:

(1) The title of said order is amended to read as follows: "Boston Regional Office, Region I. Order No. G-1 under Maximum Price Regulation No. 154. Ice. Ice in New England (except Barnstable County, Martha's Vineyard, Plymouth, Kingston, Carver, Marshfield and Duxbury, Massachusetts)."

(2) Paragraph numbered (a) is amended to read as follows:

(a) The maximum prices established by §§ 1393.1 and 1393.12 of Maximum Price Regulation No. 154, as amended, for ice sold or delivered in the states of Massachusetts (except Barnstable County, Martha's Vineyard, Plymouth, Kingston, Carver, Marshfield and Duxbury, Massachusetts), Connecticut, Rhode Island, Vermont, New Hampshire and Maine shall be the maximum prices established by §§ 1393.1 and 1393.12 of Maximum Price Regulation No. 154, as amended, or the prices specified in the following Schedule, whichever are higher; *Provided, however*, That in the case of a quantity platform sale or a quantity delivered sale the seller's maximum price shall not exceed his maximum price to the purchaser established by §§ 1393.1 and 1393.12 (exclusive of § 1393.12 (f) of Maximum Price Regulation No. 154, by more than 10 cents per 300 pounds (66⅔ cents per ton) in the case of a quantity platform sale, or by more than 5 cents per 100 pounds (\$1.00 per ton) in the case of the quantity delivered sale.

Type of sale	Per cwt.	Per ton
Retail delivered sale.....	\$0.60	\$12.00
Retail platform sale.....	.40	8.00
Quantity delivered sale.....	.40	8.00
Quantity platform sale.....	.20	4.00

This Amendment No. 2 shall become effective August 5, 1944 and terminate September 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-11998; Filed, August 11, 1944,
9:23 a. m.]

[Region I Order G-47 Under RMPR 122,
Amdt. 2]

SOLID FUELS IN NEW HAVEN, CONN., AREA

For the reasons set forth in an opinion issued simultaneously herewith and

under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, and the Emergency Price Control Act of 1942, as amended, subparagraph 1 of paragraph (e) is hereby amended to read as follows:

1. Price Schedule III sets forth in subdivision (a) maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the New Haven, Connecticut Area, except yards in the town of Shelton, to dealers in fuels who resell them. Maximum prices for sales at yards in the town of Shelton to dealers in fuels who resell them are set forth in subdivision (b).

(a) *New Haven, Connecticut Area except for the town of Shelton.*

Kind and size	Per net ton	½-ton	¼-ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut.....	\$12.35	\$6.20	\$3.10
Pea.....	10.55	5.30	2.65
Buckwheat.....	8.55	4.30	2.15
Rice.....	7.85	3.95	2.00
Yard screenings.....	3.25		
Jeddo Highland:			
Egg, stove and chestnut.....	12.85	6.45	3.25
Pea.....	11.05	5.55	2.80
Buckwheat.....	9.05	4.55	2.30
Silver Brook:			
Egg, stove, and chestnut.....	13.00	6.50	3.25
Pea.....	11.20	5.60	2.80
Buckwheat.....	9.20	4.60	2.30
Koppers coke:			
Egg, stove, and chestnut.....	12.00	6.00	3.00

(b) *The town of Shelton.*

Kind and size	Per net ton	½-ton	¼-ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut.....	\$13.35	\$6.70	\$3.35
Pea.....	11.55	5.80	2.90
Buckwheat.....	8.90	4.45	2.25
Rice.....	7.85	3.95	2.00
Yard screenings.....	3.25		
Jeddo Highland:			
Egg, stove, and chestnut.....	13.85	6.95	3.50
Pea.....	12.05	6.05	3.05
Buckwheat.....	9.40	4.70	2.35
Silver Brook:			
Egg, stove, and chestnut.....	14.00	7.00	3.50
Pea.....	12.20	6.10	3.05
Buckwheat.....	9.55	4.80	2.40
Koppers coke:			
Egg, stove, and chestnut.....	12.00	6.00	3.00

This amendment No. 2 shall become effective August 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-12000; Filed, August 11, 1944;
9:25 a. m.]

[Region VII Rev. Order G-1 Under MPR 376,
Amdt. 4]

FRESH FRUITS AND VEGETABLES IN COLORADO AND WYOMING

Pursuant to the Emergency Price Control Act of 1942, as amended, and section

4 (c) of Maximum Price Regulation No. 376, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 to Revised Order No. G-1 under Maximum Price Regulation No. 376 is issued.

1. Table VII—Tomatoes, which was added to said Revised Order No. G-1 under Maximum Price Regulation No. 376 by Amendment No. 2 thereto, is hereby amended so as to read as follows:

TABLE VII—TOMATOES

	Beginning of season to and including Aug. 20 (each year)	Aug. 21 to end of season (each year)
(1) Fully packed lugs, minimum weight 23 pounds, prepared for distance shipment—per lug.....	\$3.00	\$2.70
(2) 85 percent U. S. No. 1 or better, packed in peach boxes, minimum weight 20 pounds—per box.....	2.60	1.5
(3) All other types of tomatoes and containers—per pound—not weight.....	.08	.04
(4) Hot-house tomatoes.....	(7)	(7)

¹ Hot-house tomatoes are exempted from this order but the same shall remain covered at wholesale by Maximum Price Regulation No. 376, and at retail by Maximum Price Regulations Nos. 422 and 423.

² Exempted from country shipper ceiling.

2. *Effective date.* This amendment shall become effective on August 3, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

Approved:

CHARLES W. LILLEY,
State Supervisor,
War Food Administration.

[F. R. Doc. 44-12005; Filed, August 11, 1944;
9:25 a. m.]

[Region VII Rev. Order G-24 Under RMPR 122, Amdt. 2]

SOLID FUELS IN DENVER REGION

Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (d), Appendix A, I, *Mines in District 17*, is amended by deleting therefrom all of subparagraphs (1), (2), (3), (6), and (8), and by amending subparagraphs (4) and (5) to read as follows:

Operator	Subsidiary Index No.	Size groups	Amount	Effective date
(4) The Victor American Fuel Co.: Pinnacle.....	4 62	1 through 5.....	Cts. 30	7-31-44
		6.....	20	7-31-44
		7 and 9.....	30	7-31-44
		10.....	40	7-31-44
		11.....	20	7-31-44
		12.....	10	7-31-44
		13 through 19.....	20	7-31-44
Wadge.....	5 82	All.....	10	1-24-44
(5) Butte Valley Coal Co.: Butte Valley.....	1 17	1 through 12.....	10	7-31-44
		13 through 16.....	30	7-31-44
		17 and 18.....	25	7-31-44
		19.....	10	7-31-44

2. *Effective date.* This Amendment No. 2 shall become effective August 3, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 3d day of August 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-12006; Filed, August 11, 1944;
9:23 a. m.]

[Concord Order 1 Under Restaurant MPR 2]
**POSTING REQUIREMENTS IN CONCORD, N. H.,
DISTRICT**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Concord, New Hampshire, District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. Posting requirements. If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this Order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. Filing of list of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of the list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the New Hampshire District of the Office of Price Administration.

SEC. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

APPENDIX A

TABLE 1

(For soda fountains and similar eating places.)

1. Tomato or vegetable soup.
2. American cheese sandwich.
3. Cream cheese sandwich.
4. Cream cheese and olive sandwich.
5. Chicken salad sandwich.
6. Sliced chicken sandwich.
7. Chicken club sandwich.
8. Sliced ham sandwich.
9. Chopped ham sandwich.
10. Ham and egg sandwich.
11. Egg salad sandwich.
12. Peanut butter sandwich.
13. Salmon salad sandwich.
14. Tuna fish salad sandwich.
15. Tomato and lettuce sandwich.
16. Bacon, tomato and lettuce sandwich.
17. Hamburger sandwich.
18. Frankfurter on roll.
19. Chicken salad.
20. Egg salad.

21. Tuna fish salad.
22. Vegetable salad.
22. Vegetable calada.
23. Apple pie.
24. Pie a la mode.
25. Puddings.
26. Milk.
27. Hot coffee.
28. Pot of tea.
29. Hot chocolate.
30. Plain milk shakes.
31. Malted milk shakes.
32. Frappes and floats.
33. Fresh fruitades.
34. Ice cream sodas.
35. Banana split.
36. Buttercream sundae.
37. Chocolate walnut sundae.
38. Hot fudge sundae.
39. Pineapple sundae.
40. Strawberry sundae.

TABLE 2

(For boarding houses, resort hotels and other straight American plan houses offering no a la carte service and charging a flat rate per meal to transients and other occasional guests.)

1. Breakfast.
2. Lunch.
3. Dinner.
4. Supper.
5. Afternoon tea.
6. Sunday dinner.
7. Sunday supper.

(If you have special rates for any of these meals on Sunday or holidays, or if you have special banquet rates, include on your poster your rates for these items.)

TABLE 3

(For all other eating establishments.)

1. Tomato or fruit juice.
2. Fruit cocktail.
3. Chicken broth.
4. Vegetable soup.
5. Clam chowder.
6. Fish chowder.
7. Ham and eggs.
8. Two eggs, any style.
9. Plain omelette.
10. Fried filet of sole.
11. Fried haddock.
12. Broiled mackerel.
13. Fried clams.
14. Liver and bacon.
15. Pork chop.
16. Hamburger steak.
17. Roast prime ribs of beef.
18. Yankee pot roast.
19. Roast loin of pork.
20. Corned beef hash.
21. Beef stew.
22. Roast lamb.
23. Roast chicken.
24. Baked dinner.
25. Beef steak pie.
26. Chicken pie.
27. Ham sandwich.
28. Ham and egg (or bacon and egg) sandwich.
29. American cheese sandwich.
30. Sliced chicken sandwich.
31. Fried egg sandwich.
32. Hamburger sandwich.
33. Fruit salad.
34. Chicken salad.
35. Vegetable salad.
36. Apple pie.
37. Ice cream.
38. Puddings.
39. Coffee.
40. Milk.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of this order have been approved

by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

RUSSELL R. LARMON,
District Director.

[F. R. Doc. 44-12085; Filed, August 11, 1944;
1:42 p. m.]

[Williamsport Order 1 Under Restaurant
MPR 2]

POSTING REQUIREMENTS IN WILLIAMSPORT,
PA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Williamsport District Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the

name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. *Geographical applicability.* The provisions of this order extend to all eating and drinking establishments located within the Williamsport District of the Office of Price Administration.

SEC. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of Restaurant MPR 2 have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

JOSEPH L. RAY,
Acting District Director.

APPENDIX A

Appetizer:
Tomato juice.
Fruit cocktail.
Soup:
Cup, Bowl.
Egg dishes:
Ham and eggs.
Two eggs.
Fish entrees:
Filet of Haddock.
Broiled mackerel.
Fish cakes.
Miscellaneous:
Hot cakes and syrup.
Baked spaghetti or macaroni.
Pork and beans.
Vegetable plate.
Cereals—hot or cold.
Meat entrees:
Liver and bacon.
Pork chop.
Hamburger steak.
Roast beef.
Roast pork or ham.
Corned beef hash or any meat hash.
Lamb stew or any meat stew.
T-Bone steak.

Sandwiches:

Ham.
Ham and egg or bacon and egg.
American cheese.
Lettuce and tomato.
Hamburger.
Ham and cheese.
Fish salad.
Hot meat.

Salads:

Combination.
Fruit.

Desserts:

Apple pie.
Ice cream.

Beverages:

Coffee (hot), cup, pot.
Tea (hot), cup, pot.
Milk (half pint).

Meals

I—Club breakfast—Fruit, toast, and coffee.
II—Club breakfast—Cereal, toast, and coffee.
Chicken dinner (4 courses).
Roast beef or pork plate.
Roast beef or pork dinner (4 courses).

[F. R. Doc. 44-12084; Filed, August 11, 1944;
1:42 p. m.]

[Region IV Order G-15 Under RMPR 122,
Amdt. 2]

SOLID FUELS IN WINSTON-SALEM, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (f) of Order No. G-15, issued thereunder by this office, *It is hereby ordered*, That subdivision (c) (1) (i) be amended to read as set forth below:

(i) "Direct delivery or domestic" basis:

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT
No. 8

Size	Per ton, 2,000 lbs.	Per 3/4 ton, 1,000 lbs.	Per 1/4 ton, 500 lbs.
Lump, chunk or block in Mine Price Classifications E-M inclusive, in Size Groups 1 and 2.....	\$9.65	\$5.03	\$2.60
Egg Coal from the No. 5 Upper Banner, Dean and Straight Creek Seams and from the Harlan Seam in Kentucky, in Size Groups No. 5 and 6.....	9.85	5.18	2.65
Splint egg in Size Group 6.....	9.10	4.80	2.40
Stoker coal.....	8.60	4.65	2.31

This Amendment No. 2 to Order No. G-15 under Revised Maximum Price Regulation No. 122 shall become effective August 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued July 27, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44-12083; Filed, August 11, 1944;
1:43 p. m.]

[Savannah Order 1 Under Restaurant MPR 2]
**POSTING REQUIREMENTS IN SAVANNAH, GA.,
 DISTRICT**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Savannah, Georgia, District Office, of the Office of Price Administration by Section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION. 1. Posting requirements. If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. Filing of lists of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a

conference, so that corrections can be made.

SEC. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the counties of Appling, Atkinson, Bacon, Baker, Bell Hill, Berrien, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Clay, Clinch, Coffee, Cloquitt, Columbia, Cook, Decatur, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Irwin, Jeff Davis, Jefferson, Jenkins, Liberty, Lanier, Long, Lowndes, McDuffie, McIntosh, Miller, Mitchell, Montgomery, Pierce, Richmond, Screven, Seminole, Tatnall, Telfair, Tift, Thomas, Toombs, Treutlen, Turner, Ware, Warren, Wayne, Wheeler and Worth, in the Savannah, Georgia, District of the Office of Price Administration.

SEC. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

R. E. THORPE,
 District Director.

**APPENDIX A—GROUPS OF FOOD ITEMS, ENTREES,
 AND BEVERAGES**

The groups of food items, beverages, or entree (main dish) of the meal are as follows:
Appetizer:

1. Orange or tomato juice.
2. Shrimp cocktail.
3. One-half grapefruit.

Soup:

4. Vegetable soup.
5. Cream of tomato soup.

Egg dishes:

6. Ham or bacon and eggs.
7. Two eggs (any style).

Fish:

8. Fried or broiled fish.
9. Fried shrimp.

Meat and poultry:

10. Roast beef.
11. Pork chops.
12. T-Bone steak.
13. Beef stew.
14. Fried or broiled chicken.

Sandwiches:

15. Ham.
16. Ham and egg.
17. American cheese.
18. Hamburger.
19. Chicken salad.
20. Hot meat.
21. Bacon and tomato.

Desserts:

22. Pie.
23. Ice cream or sherbet.
24. Sliced cake.

Beverages:

25. Coffee.
26. Milk.
27. Tea.

Meals:

28. Club breakfast, cereal or fruit, toast and coffee.
29. Club breakfast, fruit or cereal, eggs, bacon or ham, toast and coffee.
30. Plate lunch—meat, 2 vegetables, bread, butter, drink.
31. Lunch—soup, meat, 2 vegetables, bread, butter, drink, dessert.
32. Steak dinner.
33. Fish dinner.
34. Chicken dinner.
35. Dinner—soup, meat, salad, 2 vegetables, bread, butter, drink, dessert, or dinner where price of entree governs price of meal.

Salads:

36. Lettuce and tomato.
37. Shrimp.
38. Fruit.
39. Mixed vegetable.
40. Potato.

[F. R. Doc. 44-12087; Filed, August 11, 1944;
 1:42 p. m.]

[Houston Order 1 Under Restaurant MPR 2]
**POSTING REQUIREMENTS IN HOUSTON, TEX.,
 DISTRICT**

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Houston, Texas District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. Posting requirements. If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the

poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. Filing of lists of poster prices. When you have made up the list of food items to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the Houston, Texas District of the Office of Price Administration.

SEC. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

STEPHEN J. TULLY, Jr.,
District Director.

APPENDIX A

TABLE 1—DINING ROOM, COFFEE SHOP AND RESTAURANT

1. Fruit cocktail.
2. Shrimp cocktail.
3. Tomato juice.
4. Orange juice.
5. Half grapefruit.
6. Grapefruit juice.
7. Baked apple with cream.

8. Stewed prunes with cream.
9. Dry cereal with cream.
10. Hot cereal with cream.
11. Cup (lunch or dinner soup).
12. Large bowl (lunch or dinner soup).
13. English peas.
14. Stewed tomatoes.
15. String beans.
16. French fried potatoes.
17. Mashed potatoes.
18. Ham sandwich.
19. Chicken sandwich.
20. Club sandwich.
21. 2 eggs—fried, boiled or scrambled.
22. 2 eggs—with bacon, ham or Brookfield sausage.
23. Plain omelette (2 eggs.)
24. Omelette—with ham, bacon or cheese.
25. Ham or bacon.
26. Toast—(dry or buttered).
27. Cream waffle.
28. Pecan waffle.
29. Doughnut.
30. Sweet roll.
31. Wheat, buckwheat or corn cakes.
32. With ham, bacon or Brookfield sausage—extra.
33. Milk.
34. Coffee—per cup.
35. Lunch special—soup, entree, 2 vegetables, salad or dessert, and drink.
36. Lunch special—entree, 2 vegetables, salad or dessert, and drink.
37. Dinner special—appetizer, soup, entree, 2 vegetables, salad, dessert, and drink.
38. Dinner special—entree, 2 vegetables, salad or dessert, and drink.
39. Fried chicken—rolls, choice of potatoes, and drink.
40. Club steak—salad, French fried potatoes and drink.

TABLE II—CAFETERIA

- Salads:
1. Potato salad.
 2. Combination.
 3. Fruit salad.
 4. Sliced tomatoes.
- Entrees:
1. Fried gulf trout.
 2. Croquettes.
 3. Pot roast of beef.
 4. Roast pork.
 5. Meat loaf.
 6. Meat balls with spaghetti.
 7. Turkey with dressing.
 8. Liver.
 9. Creamed chicken.
 10. Beef stew.
- Vegetables:
1. Mashed potatoes.
 2. Buttered carrots.
 3. Boiled cabbage.
 4. Spinach.
 5. Buttered beets.
 6. Peas.
 7. Baked beans.
 8. Corn.
 9. Baked potato.
 10. Green beans.
 11. Lima beans.
- Desserts:
1. Apple pie.
 2. Cake.
 3. Ice cream (dish).
 4. Donuts.
 5. Sweet roll.
- Drinks:
1. Tea, hot.
 2. Coffee, iced coffee.
 3. Coffee, hot.
 4. Iced tea.
 5. Milk.
- Bread:
1. White or whole wheat (per slice).
 2. Corn bread.
 3. Hard roll.
- Soup:
1. Homemade vegetable.
 2. Chili.

TABLE III—SANDWICH SHOP, LUNCH COUNTER AND SODA FOUNTAIN

- Juices:
1. Orange juice.
 2. Grapefruit juice and tomato juice.
- Cereals:
3. With cream.
 4. With milk.
- Eggs:
5. Two eggs and toast.
 6. Two eggs and toast with ham, bacon or sausage.
 7. 1 egg with toast and ham, bacon, or sausage.
- Sandwiches:
8. Roast beef.
 9. Roast pork.
 10. Ham.
 11. Cheese.
 12. Egg.
 13. Hamburger.
- Decker sandwiches:
14. Combination.
 15. Club house.
- Lunches and plates:
16. Lunch, consisting of.....
 17. Dinner, consisting of.....
 18. Steaks, potatoes and salad.
 19. Fried chicken.
- Beverages:
20. Coffee, hot.
 21. Coffee, iced.
 22. Tea, hot.
 23. Tea, iced.
 24. Milk.
 25. Malted milk.
- Breads:
26. Waffle.
 27. Hot cakes.
 28. Donuts.
 29. Sweet roll.
 30. Toast, dry or buttered.
- Soups:
31. Canned soups.
 32. Chili.
- Salads:
33. Sliced tomatoes.
 34. Head lettuce and dressing.
 35. Lettuce and tomato.
 36. Chicken salad.
 37. Fruit salad.
- Desserts:
38. Pie.
 39. Cake.
 40. Ice cream or sherbet.

TABLE IV—SEAFOODS

- Cocktails:
1. Shrimp.
 2. Oyster.
 3. Crabmeat.
 4. Fruit.
- Salads:
5. Head lettuce and dressing.
 6. Sliced tomatoes.
 7. Combination.
- Gumbo:
8. Shrimp.
 9. Crab.
- Potatoes:
10. French fried.
 11. American fried.
- Beverages:
12. Coffee, hot.
 13. Coffee, iced.
 14. Tea, hot.
 15. Tea, iced.
 16. Milk.
- Sandwiches:
17. Trout.
 18. Oyster.
 19. Ham, cold.
 20. Beef.
 21. Cheese.
 22. Combination, 3 deck.

Desserts:

23. Pie or cake.
24. Ice cream and sherbet.

Seafood:

25. Red snapper steak.
26. Red snapper steak (individual size).
27. Redfish steak.
28. Tenderloin of trout.
29. Broiled flounder, individual.
30. Jumbo shrimp, fried.
31. Oysters, fried.
32. Oysters, stewed in milk.
33. Stuffed crab.
34. Soft shell crabs.

All the above orders served with:

Seafood Dinner or Lunch

35. -----
(Describe)
36. -----
(Describe)
37. -----
(Describe)
38. -----
(Describe)
39. -----
(Describe)
40. -----
(Describe)

TABLE V—MEXICAN RESTAURANT

Beverages:

1. Coffee, hot.
2. Coffee, iced.
3. Tea, hot.
4. Tea, iced.
5. Milk.
6. Chocolate, Mexican style.

Mexican dishes:

7. Chili Con Carne.
8. Chili Con Queso.
9. Frijoles, (beans).
10. Frijoles Refritos.
11. Frijoles Con Salsa DeChili.
12. Enchiladas, (order of three).
13. Enchiladas con chili (3).
14. Enchiladas (3) con Huevos (2).
15. Tacos, veal (3).
16. Tacos, chicken (3).
17. Tacos, Frijol o' Queso (3).
18. Tostadas, Vera Crizanas.
19. Tamales, plain (3).
20. Tamales, with chili (3).
21. Tortillas (order of three).
22. Tortillas, refritas (3).
23. Huevos, rancheros.
24. Huevos, con chili.
25. Sopa de macaroni.
26. Sopa de arroz (rice).
27. Spaghetti con chili.
28. Grated cheese per order.
29. Chopped onions.
30. Spanish omelet.
31. Chili, Rellenos.

Salads:

32. Guacamole (avocado).
33. Lettuce and tomato.
34. Head lettuce and dressing.
35. Sliced tomatoes.

Desserts:

36. Pie.
37. Ice cream.
38. Mexican lunch (consisting of) -----
39. Mexican dinner (consisting of) -----
40. Mexican dinner (consisting of) -----

TABLE VI—NIGHT CLUBS

1. Shrimp cocktail.
2. Fruit cocktail.
3. Assorted hors d' oeuvres.
4. Hearts of celery.

5. Mixed olives.

6. Soup.
7. Jellyed tomato bouillon rosa.
8. Poached eggs benedictine.
9. Poached eggs, florentine.
10. Omelette, Spanish style.
11. Ham sandwich.
12. Swiss cheese sandwich.
13. Club sandwich.
14. New string beans.
15. Cauliflower.
16. French fried potatoes.
17. Chicken salad.
18. Chef's salad.
19. Blackstone salad.
20. Lettuce and tomato (1/2 order).
21. Broiled fish with vegetable and potatoes.
22. Crabmeat and mushrooms, Maryland, vegetables and potatoes.
23. Broiled double lamb chop, vegetable and potatoes.
24. K. C. sirloin steak (for 1).
25. Roast prime rib of beef au jus.
26. Broiled chicken with potatoes.
27. Broiled butt sirloin steak with vegetable and potatoes.
28. Lobster a la Newburgh.
29. Cold sliced breast of chicken and ham with fruit salad.
30. Cold smoked ox tongue with potato salad.
31. Baked ham and Swiss cheese with potato salad.
32. Camembert cheese.
33. Pies.
34. Ice cream.
35. Coffee.
36. Luncheon special: Entree, 2 vegetables, dessert and drink.
37. Luncheon special: Cocktail, entree, 2 vegetables, dessert and drink.
38. Luncheon special: Salad, entree, 2 vegetables, dessert and drink.
39. Dinner special: Appetizer, entree, 2 vegetables, salad, dessert and drink.
40. Dinner special: Appetizer, steak, 2 vegetables, salad, dessert and drink.

[F.R. Doc. 44-12086; Filed, August 11, 1944; 1:42 p. m.]

[Region IV Order G-17 Under RMPR 122, Amdt. 21]

SOLID FUELS IN GREENVILLE, N. C.

Correction

In the table for high volatile bituminous coal in F. R. Doc. 44-10485, appearing on page 8096 of the issue for Tuesday, July 18, 1944, the first price for "Egg, Middle Price" should be "10.10".

[Region III Rev. Order G-18 Under 18 (c), Revocation]

FLUID MILK IN KENTUCKY

Revocation of Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky.

For the reasons set forth in an opinion attached hereto and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280; *it is hereby ordered:*

(a) That Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation, as amended, be, and the same is, hereby revoked.

(b) That the revocation of said Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation, as amended, shall be subject to all of the conditions, stipulations, and provisions of Supplementary Order No. 40.

This order shall become effective August 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued July 28, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-12120; Filed, August 12, 1944; 11:23 a. m.]

[Altoona Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN ALTOONA, PA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Altoona District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. Filing of lists of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the Altoona District of the Office of Price Administration.

SEC. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

PAUL T. WINTER,
District Director.

APPENDIX A—LIST OF FORTY FOOD ITEMS, ENTREES, AND BEVERAGES

Appetizer:
Tomato or fruit juice.
Fruit cocktail.

Soup:
Vegetable soup.

Egg dishes:
Bacon or ham and eggs.
Two eggs, any style.

Fish entrees:¹
Fried fish.

Meat entrees:¹
Liver and bacon.
Fork chop.
Hamburger steak.
Roast beef.

¹ "Entree" means the main dish of a meal.

Meat entrees—Continued.
Roast pork or ham.
Corned beef hash or any meat hash.
Lamb stew or any meat stew.
Chicken, fried.
Tenderloin steak.
Veal cutlet.
Roast lamb.
Roast veal.
Baked ham.
Meat pies.
Hot meat sandwiches.

Sandwiches:
Ham.
Ham and egg (or bacon and egg).
American cheese.
Lettuce and tomato.
Hamburger.
Ham and cheese.

Miscellaneous:
Hot cakes and syrup.
Baked spaghetti or macaroni.
Pork and beans.
Vegetable plate.
Cereals—hot or cold.

Desserts:
Apple pie.
Ice cream.

Salads:
Fruit.
Vegetable.

Beverages:
Coffee (cup or pot).
Tea (cup or pot).
Milk (half pint).

Meals:
I—Club breakfast—Fruit, toast, and coffee.

[F. R. Doc. 44-12118; Filed, August 12, 1944;
11:29 a. m.]

[Utah Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN UTAH DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Utah District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. Posting requirements. If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal; for example, steak

dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. Filing of lists of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the Utah District of the Office of Price Administration.

SEC. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provision of this posting order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

H. GRANT IVINS,
District Director.

APPENDIX A

Tables listing forty items and meals collected by the District Restaurant Council. Choose list most applicable to your type of operation.

TABLE I—HOTELS AND RESTAURANTS

Appetizer:	
1. Juices, tomato or fruit.	
2. Fruit cocktail.	
Soup:	
3. Soup du Jour.	
Salads:	
4. Combination.	
5. Fruit.	
Meat entrees:	
6. Liver and bacon.	
7. Breaded veal cutlets.	
8. Grilled pork chops.	
9. Hamburger steak.	
10. Roast beef.	
11. Roast pork or ham.	
12. Roast turkey.	
13. Half fried chicken.	
14. Chicken a la king.	
15. Half dozen fried oysters.	
16. Small steak.	
Fish entrees:	
17. Halibut.	
18. Salmon.	
Egg dishes:	
19. Ham or bacon and eggs.	
20. Two eggs, any style.	
21. Omelette, plain.	
Sandwiches:	
22. Cold sliced chicken.	
23. Ham.	
24. Clubhouse.	
25. Ham or bacon and egg.	
26. Hot turkey.	
27. Hot roast beef or pork.	
28. Hamburger.	
29. Cold roast pork or beef.	
Miscellaneous:	
30. Hot cakes and syrup.	
31. Cereals, hot or cold.	
32. Spaghetti and meat sauce.	
Desserts:	
33. Pie, per cut.	
34. Ice cream or sherbet, per dish.	
Beverages:	
35. Coffee, cup or pot.	
36. Tea, cup or pot.	
37. Milk, ½ pint.	
Meals:	
38. Club breakfast (3 or more items).	
39. Luncheon, 3 courses (meat, fish or omelette entrees).	
40. Dinner, 5 courses (meat, poultry or fish entrees).	

TABLE II—SODA FOUNTAIN AND LUNCHEONETTE

Appetizer:	
1. Juices, tomato or fruit.	
2. Fruit cocktail.	
Egg dishes:	
3. Ham or bacon and eggs.	
4. Two eggs, any style.	
5. Omelette, plain.	
Soup:	
6. Vegetable soup.	
Miscellaneous:	
7. Hot cakes and syrup.	
8. Waffles and syrup.	
9. Cereals, hot or cold.	
Plate lunches:	
10. Hot plate, special.	
11. Cold plate, special.	
Sandwiches:	
12. Ham and egg sandwich.	
13. Hamburger sandwich.	
14. Ham and cheese sandwich.	
15. Hot dog.	
16. Cold ham sandwich.	
17. Minced ham sandwich.	
18. Bacon and tomato.	
19. American cheese.	
20. Deviled egg.	
21. Cheeseburger.	
22. Ham and cheese, 3-decker.	
Salads:	
23. Potato salad.	
24. Chicken salad.	
25. Combination.	

No. 162—9

Ice cream:	
26. Malted milk.	
27. Ice cream soda.	
28. Root beer float.	
29. Milk shake.	
30. Plain sundae.	
Beverages:	
31. Plain sodas.	
32. Coca cola.	
33. Milk, ½ pint.	
34. Coffee, per cup or pot.	
Desserts:	
35. Pie, per cut.	
36. Cake.	
37. Doughnut.	
38. Sweet roll.	
Meals:	
39. Club breakfast (3 or more items).	
40. Luncheon, 3 courses.	

TABLE III

Appetizer:	
1. Juices, tomato or fruit.	
Soup:	
2. Vegetable.	
Salad:	
3. Combination.	
4. Chicken salad.	
Meat entrees:	
5. Pork chops.	
6. Hamburger steak.	
7. Roast beef.	
8. Roast pork.	
9. Half fried chicken.	
10. Hot meat sandwiches.	
11. Small steak.	
Fish entrees:	
12. Halibut.	
13. Salmon.	
Egg dishes:	
14. Two eggs any style.	
15. Ham and eggs.	
Sandwiches:	
16. Ham sandwich.	
17. Ham and egg sandwich.	
18. American cheese.	
19. Cold pork.	
20. Hamburger.	
21. Cold sliced chicken.	
Miscellaneous:	
22. Cereals, hot or cold.	
23. Pork and beans.	
24. Denver sandwich.	
Oriental dishes:	
25. Full course Chinese dinner.	
26. Pork chow mein.	
27. Pork chop suey.	
28. Pork noodles.	
29. Egg foo yong.	
30. Fried shrimps.	
31. Fried rice.	
32. Chow mein, Canton style.	
33. Fried chicken, Chinese style.	
34. Roast pork, Chinese style.	
Desserts:	
35. Pie, per cut.	
36. Ice cream, per cut.	
37. Almond cakes.	
Beverages:	
38. Coffee, cup or pot.	
39. Milk, per ½ pint.	
40. Tea, cup or pot.	

[F. R. Doc. 44-12119; Filed, August 12, 1944;
11:28 a. m.][Montpelier Order 1 Under Restaurant
MPR 2]POSTING REQUIREMENTS IN MONTPELIER,
VT. DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Montpelier, Vermont District Office of the Office of Price Admin-

istration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several table of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, fillet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or

changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the Montpelier, Vermont District of the Office of Price Administration.

SEC. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of this Order No. 1 have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

JAMES J. CARNEY,
District Director.

APPENDIX A

40 BASIC FOOD ITEMS SELECTED BY THE VERMONT DISTRICT HOTEL AND RESTAURANT COOPERATING COMMITTEE

1. Tomato juice.
2. Grapefruit juice.
3. Oatmeal.
4. Corn flakes.
5. Dropped eggs on toast.
6. Ham and eggs.
7. Toast.
8. Doughnuts.
9. Griddle cakes and syrup.
10. Tomato soup.
11. Vegetable soup.
12. Pot roast of beef.
13. Hamburger steak.
14. Veal cutlet.
15. Roast veal.
16. Pork chops.
17. Grilled ham.
18. Roast pork.
19. Beef stew.
20. Corned beef hash.
21. Broiled chicken.
22. Chicken pie.
23. Roast chicken.
24. Haddock fillets.
25. Oyster stew.
26. Baked beans with pork.
27. Chop suey.
28. French fried potatoes.
29. Egg salad.
30. Chicken salad.
31. Apple pie.
32. Ice cream.
33. Sherbet.
34. Rice pudding.
35. Ham sandwich.
36. Cheese sandwich.
37. Hamburger sandwich.
38. Hot chicken sandwich.
39. Bottled milk.
40. Coffee.

[F. R. Doc. 44-12144; Filed, August 12, 1944; 4:37 p. m.]

[Region V—Order G-1 Under MPR 336, MPR 355, MPR 394]

FABRICATED MEAT CUTS IN WICHITA, KANS.

Order No. G-1 under section 5 (c) of Maximum Price Regulation No. 336—Retail ceiling prices for pork cuts and certain sausage products; Maximum Price Regulation No. 355, retail ceiling prices for beef, veal, lamb and mutton cuts and all variety meats and edible by-products; and Maximum Price Regulation No. 394, Retail ceiling prices for kosher beef, veal, lamb and mutton cuts.

Pursuant to section 5 (c) of Maximum Price Regulation No. 336, Maximum Price Regulation No. 355 and Maximum Price Regulation No. 394, as incorporated by Amendment 15 to Maximum Price Regulation No. 336, and Amendment 17 to Maximum Price Regulation No. 355, and Amendment 6 to Maximum Price Regulation No. 394, the Regional Administrator of Region V, on his own motion, finds that the area contained within the corporate limits of the city of Wichita, Kansas, to be an area deficient in supplies of fabricated meat cuts for purveyors of meals, because the following conditions exist:

- (1) Purveyors of meals within said area are unable to obtain fabricated meat cuts covered by the above named regulations in sufficient volume to supply their requirements as determined under Ration Order No. 16, during the two month period immediately preceding May 1, 1944;
- (2) The dealers in the area selling fabricated meat cuts do not have adequate facilities or quotas to supply the requirements of purveyors of meals located in the area as determined under (1) above; and
- (3) Purveyors of meals in the area customarily have relied upon, and find it necessary to continue to rely upon, local retail dealers for supplies of meat sufficient to fill their requirements.

Accordingly, the area within the corporate limits of the city of Wichita, Kansas, is hereby ordered and declared to be an area deficient in the supply of fabricated meat cuts covered by the above named price regulations for purveyors of meals within the intent and purposes of said section 5 (c) of each of the aforesaid maximum price regulations.

This order or declaration is subject to revocation, or amendment, at any time hereafter, either by special order or declaration, or by any price regulation issued hereafter, either by special order or declaration issued under any price regulation, the provisions of which may be contrary hereto.

This order shall become effective August 7, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Public Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Effective at Dallas, Texas, this the 7th day of August 1944.

MAX McCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-12145; Filed, August 12, 1944; 4:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-5]

MIDDLE WEST CORP., ET AL.

MEMORANDUM OPINION AND ORDER GRANTING EXEMPTION

On the 24th day of January 1944, the Commission issued its Order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 requiring The Middle West Corporation, a registered holding company, to sever its relations with certain properties, operations and companies including, among others, Middle West Utilities Company of Canada, Limited and reserving jurisdiction to enter such further appropriate orders as the Commission should deem necessary to secure compliance with the provisions of the act and rules thereunder and to carry out the provisions of said order.

Middle West Utilities Company of Canada, Limited, is a Canadian corporation, all outstanding securities of which (consisting of preferred and common stock) are owned by The Middle West Corporation. Its activities are carried on exclusively within Canada and all its assets consist of securities of Canadian corporations, the businesses of which are carried on exclusively in Canada, and the assets of which consist of properties located in Canada or securities in Canadian companies operating exclusively in Canada. The principal assets of Middle West Utilities Company of Canada, Limited, consist of all the outstanding common stock and approximately 45.03% of the preferred stock and approximately \$80,000 principal amount of bonds of Great Lakes Power Company, Limited, a corporation organized and existing under the laws of the Province of Ontario engaged in the generation, distribution and sale of electric energy.

Middle West Utilities Company of Canada, Limited, has received an offer for all its security holdings in Great Lakes Power Company, Limited, such offer having been made by K. S. Barnes of Montreal, Canada, who has advised that the purchase is being made by him on behalf of the Hydro Electric Power Commission, an agency of the Province of Ontario.

By orders heretofore entered in File No. 31-375 on July 9, 1937; May 24, 1939; January 8, 1942, and December 29, 1943, the Commission has exempted Middle West Utilities Company of Canada, Limited as a holding company from all those provisions of the act which would require it to register under said act because of its directly or indirectly owning, controlling or holding with power to vote 10% or more of the outstanding voting securities of Great Lakes Power Company, Limited, its only subsidiary which is a public utility company. Such orders further provide for limited exemptions to Middle West Utilities Company of Canada, Limited as a subsidiary of The Middle West Corporation. Such exemptions, however, as a subsidiary, do not include an exemption from section 12

(d) of the act, and rules, regulations or orders promulgated thereunder.

The Middle West Corporation and Middle West Utilities Company of Canada, Limited, have requested that the Commission now issue its order exempting The Middle West Corporation and Middle West Utilities Company of Canada, Limited, with respect to such proposed sale insofar as the act or the rules, regulations or orders thereunder including section 12 (d) of the Act and the order issued by the Commission pursuant to section 11 (b) (1) of the act require application to and approval by the Commission in respect thereof.

In view of the exemptions previously granted and the fact that the proposed purchaser is an agency of the Province of Ontario, Dominion of Canada, we are of the opinion that the requested exemption may be appropriately granted and that such exemption would not be detrimental to the public interest or to the interest of investors or consumers;

It is therefore ordered, That The Middle West Corporation and Middle West Utilities Company of Canada, Limited be and they hereby are granted exemption with respect to the proposed sale by Middle West Utilities Company of Canada, Limited of all its security holdings in Great Lakes Power Company, Limited to the Hydro Electric Power Commission of the Province of Ontario, Dominion of Canada, or its representative from the provisions of the Public Utility Holding Company Act of 1935 or the rules, regulations or orders thereunder including section 12 (d) of the act and the order previously issued by the Commission herein pursuant to section 11 (b) (1) of the act, insofar as the same require application to and approval by the Securities and Exchange Commission with respect to such sale.

By the Commission (Commissioners Pike, O'Brien and McConnaughey) Chairman Purcell and Commissioner Healy being absent and not participating.

Dated: August 10, 1944.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12133; Filed, August 12, 1944;
2:38 p. m.]

[File No. 70-937]

MONTANA POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of August, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Montana Power Company, a subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company; and

Notice is further given that any interested person may, not later than September 7, 1944 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration as filed or as amended may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

All persons interested are referred to said declaration which is on file in the office of said Commission for a statement of the transactions thereon proposed, which is summarized below:

Montana Power Company proposed to employ treasury cash in an amount not exceeding \$3,345,600 for the acquisition and purchase in the open market during a period of one year of the \$2,780,000 outstanding non-callable Five Per Cent. First Mortgage Gold Bonds, due June 1, 1951 of Butte Electric and Power Company, a predecessor of Montana Power Company, which bonds were assumed by Montana Power Company upon its creation on December 12, 1912.

The filing designates section 12 (c) of the act and rule U-42 thereunder as applicable to the proposed transaction and states that since July 1, 1944 Montana Power Company has bought \$228,000 principal amount of the above-described bonds at prices varying from 118½% to 119¾% of the principal amounts thereof, pursuant to the provisions of subparagraphs (4) and (5) of paragraph (b) of Rule U-42.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12132; Filed, August 12, 1944;
2:38 p. m.]

[File No. 70-919]

SAVANNAH GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of August, A. D. 1944.

Savannah Gas Company, a subsidiary of American Gas and Power Company and of Community Gas and Power Company, registered holding companies, having filed a declaration pursuant to sections 6 (a) and 15 (f) of the Public Utility Holding Company Act of 1935 proposing to reduce its outstanding capital stock from \$1,400,000 to \$672,000 by reducing the par value of each of the 56,000 shares outstanding from \$25 per share to \$12 per share and thereby to create capital surplus in the amount of \$728,000 which capital surplus will thereafter be used to eliminate certain

amounts now included in the company's accounts in accordance with an order of the Georgia Public Service Commission;

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is hereby ordered, That the declaration be permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12134; Filed, August 12, 1944;
2:38 p. m.]

[File No. 70-920]

BIRMINGHAM GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of August, A. D. 1944.

Birmingham Gas Company, a subsidiary of American Gas and Power Company and of Community Gas and Power Company, both registered holding companies, having filed an application pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, requesting modification of a common stock dividend restriction contained in the amended application and declaration of Birmingham Gas Company (File No. 70-249) pursuant to which its presently outstanding first mortgage bonds were issued, such modified restriction being as follows:

So long as the ratio of Applicant's outstanding funded debt to the amount of its net property shall exceed 50%, Applicant will not (i) declare or pay any dividends on its Common Stock in excess of 50% of its net earnings available for dividends on Common Stock to be computed from January 1, 1944, up to the end of the calendar month immediately preceding that in which it is then proposed to declare such dividend, nor (ii) declare or pay any dividends on its Common Stock in excess of 60¢ per share in any twelve-month period commencing January 1, 1944, nor (iii) make any payment or distribution on such Common Stock (by purchase or otherwise, in money or other property) other than as permitted by (i) and (ii) above—in each case pending the further order or orders of the Commission * * *;

A public hearing having been held after appropriate notice and the Commission having issued its findings herein:

It is ordered, That the common dividend restriction be modified to the extent requested and that the application in respect thereof be granted forthwith subject, however, to the conditions prescribed in Rule U-24 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12135; Filed, August 12, 1944;
2:38 p. m.]

[File No. 59-72]

COLUMBIA GAS & ELECTRIC CORP., ET AL.
ORDER RECONVENING HEARING AND DESIGNATING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August 1944.

The Commission having on June 15, 1944, in accordance with its notice of and order for hearing issued on May 2, 1944 pursuant to sections 11 (b) (1) and (2) of the Public Utility Holding Company Act of 1935 in respect of Columbia Gas & Electric Corporation (Columbia) and its subsidiary companies, heard counsel for Columbia and other interested persons relative to certain procedural and substantive matters concerning the above entitled proceeding; and

The Commission having, pursuant to a request from Columbia dated August 3, 1944, this day issued its statement of tentative conclusions to the effect that

(a) The gas utility operations of, and the non-utility businesses conducted by the following named subsidiaries constitute one or more single integrated public utility systems and businesses reasonably incidental or economically necessary or appropriate to the operation of such system or systems, control of which may be retained by Columbia under the provisions of section 11 (b) (1) of the act.

Bracken County Gas Company.
 Central Kentucky Natural Gas Company.
 Cincinnati Gas Transportation Company.
 Columbia Engineering Corporation.
 Cumberland and Allegheny Gas Company.
 Fayette County Gas Company.
 Gettysburg Gas Corporation.
 Greensboro Gas Company.
 Huntington Development and Gas Company.
 Manufacturers Gas Company.
 The Manufacturers Light and Heat Company.
 Natural Gas Company of West Virginia.
 The Ohio Fuel Supply Company.
 Point Pleasant Natural Gas Company.
 The Preston Oil Company.
 Union Gasoline & Oil Corporation.
 United Fuel Gas Company.
 Viking Distributing Company.¹
 Virginian Gasoline & Oil Company.
 Warfield Natural Gas Company.

(b) The provisions of section 11 (b) (1) of the act do not permit the retention by Columbia together with the interests specified in paragraph (a) above of its interest, either direct or indirect, in securities issued and properties owned, controlled, or operated by the following companies:

American Water Works & Electric Company.
 Argo Oil Corporation.
 Bridge Gas Company.
 The Cincinnati Gas & Electric Company.
 The Cincinnati, Newport and Covington Railway Company.
 Columbia Corporation.
 The Dayton Power and Light Company.
 The Dixie Traction Company.
 The Licking River Bridge Company.
 The Miami Development Company.
 Miami Power Corporation.

¹ Excluding any interest in, control or operation of, retail gasoline service stations.

Servel, Inc.
 The Ohio Fuel Supply Company.
 The Union Light, Heat and Power Company.
 The United Corporation.
 West Harrison Electric and Water Company, Inc.
 Wood Coal Company.
 Wooster Tool & Supply Company.

(c) There be reserved for later consideration questions pertaining to (1) the retention by Columbia of any direct or indirect interest in American Fuel and Power Company and its subsidiaries and in securities held for the purpose of investment (other than those as to which conclusions are set forth in paragraph (a) and (b) above), and (2) the status of the properties and businesses of the companies listed below in relation to the retainable interests set forth in paragraph (a) above.

Big Marsh Oil Company.
 Amere Gas Utilities Company.
 Atlantic Seaboard Corporation.
 Bighampton Gas Works.
 Eastern Pipe Line Company.
 Home Gas Company.
 The Keystone Company.
 Virginia Gas Distribution Corporation.
 Virginia Gas Transmission Corporation.
 Viking Distributing Company's retail gasoline service station business.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers to reconvene the hearing in the above entitled proceeding for the purpose of considering the matters herein set forth.

Now, therefore, it is ordered, That the hearing in the above entitled proceeding be reconvened on the 19th day of September, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That at such time and place the hearing will be reconvened for the purpose of incorporating by reference into the record of this proceeding such documentary evidence contained in the official files of this Commission as may be relevant and material to the matters herein concerned, and of adducing such additional evidence in the form of testimony or otherwise as may be relevant and material to such matters, and for the further purpose of affording respondents and any other interested persons an opportunity to be heard in respect of the statement of tentative conclusions referred to above as to whether such conclusions should become the final and definitive finding of the Commission, and as to why the Commission should not issue an order directing Columbia to dispose of its interest, direct or indirect, in securities and properties owned, controlled or operated by the companies named in paragraph (b) above.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers

granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing aforesaid by mailing a copy of this order to Columbia Gas & Electric Corporation and its subsidiaries named in paragraph 6 of the Commission's notice of and order for hearing in this matter issued May 2, 1944, to the Trustee of American Fuel and Gas Company and Inland Gas Corporation. The United Corporation, Guaranty Trust Company of New York, the Public Utility Commissions of the States of Arkansas, Indiana, Kansas, Kentucky, Maryland, Michigan, New Mexico, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia and Virginia not less than 20 days prior to the date hereinbefore fixed as the date of the reconvened hearing; and that notice of said hearing is hereby given to Columbia Gas & Electric Corporation and its subsidiaries, to their security holders, and to all consumers of the subsidiaries of Columbia Gas & Electric Corporation, to all state municipalities and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commission, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Columbia Gas & Electric Corporation or its subsidiaries or any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
 Secretary.

[F. R. Doc. 44-12150; Filed, August 14, 1944;
 9:42 a. m.]

[File No. 70-838]

THE LAKE SHORE GAS CO. AND ASSOCIATED ELECTRIC CO.

ORDER RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August, A. D. 1944.

Associated Electric Company having filed an application-declaration, pursuant to sections 9 (a), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, respecting a proposal to sell the entire interest of Associated Electric Company in The Lake Shore Gas Company, respecting the acquisition by

Associated Electric Company of certain assets of The Lake Shore Gas Company, and related matters;

Hearings having been held, proposed findings, exceptions thereto and briefs having been filed and oral argument heard; the Commission having considered the matter and being advised in the premises and having this day entered its findings and an opinion herein; on the basis of the said findings and opinion

It is ordered, That jurisdiction be, and it hereby is, reserved under sections 9 (a), 10, 12 (d) and 12 (f) of the said act to consider further any amendments to the said application-declaration respecting the treatment of an item of \$370,-674.09 on the books of The Lake Shore Gas Company now carried in the account for plant and other physical property in accordance with the views expressed in the aforementioned findings and opinion, and to enter such further order or orders respecting the said application-declaration as shall appear appropriate in the circumstances.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12151; Filed, August 14, 1944;
9:42 a. m.]

[File Nos. 54-69, 59-65]

OGDEN CORPORATION, ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D. 1944.

The Commission having by order dated May 20, 1943, entered pursuant to section 11 of the Public Utility Holding Company Act of 1935, directed that Ogden Corporation, a registered holding company, and its subsidiaries take certain steps as specified in said order to comply with the provisions of section 11 (b) of the said act; and

Ogden Corporation and its subsidiary companies having filed an application requesting an extension of time for one year within which to comply with said order of May 20, 1943; and

The Commission having found that Ogden Corporation and subsidiaries have been unable in the exercise of due diligence to comply in its entirety with the provisions of said order within the initial statutory period of one year from the date thereof, and that the requested extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers;

It is ordered, That Ogden Corporation and subsidiaries be, and they are hereby, granted an additional period of one year from May 20, 1944, within which to comply with said provision of said order of May 20, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12149; Filed August 14, 1944;
9:42 a. m.]

[File No. 70-940]

ASSOCIATED GAS AND ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

In the matter of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, The United Coach Company, Associated Utilities Corporation, Associated Real Properties, Inc., The Railway and Bus Associates, Dover Casualty Insurance Co.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August 1944.

Notice is hereby given that joint applications-declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company; The United Coach Company ("United Coach"), a subsidiary of Agecorp; Associated Utilities Corporation ("Aucorp"), a registered holding company and a subsidiary of Agecorp; Dover Casualty Insurance Co. ("Dover") and Associated Real Properties, Inc. ("Areal"), both subsidiaries of Aucorp; and The Railway and Bus Associates ("Railway"), a subsidiary of Areal. All interested persons are referred to said joint applications-declarations which are on file in the office of the Commission for a statement of the purpose and nature of the proposed transactions, which may be summarized as follows:

(1) United Coach will be merged into Aucorp, which will assume all its liabilities and acquire all its assets, including an income note, due 1960, of Railway in the amount of \$1,218,336.57. Thereupon all the outstanding shares of stock of United Coach held by Agecorp, and all indebtedness of United Coach to Aucorp will be surrendered for cancellation;

(2) Aucorp will purchase from Areal, its wholly-owned subsidiary, 166 shares of beneficial interest in Railway for a consideration of \$1,000;

(3) Railway will liquidate and deliver all its assets, subject to its liabilities, to Aucorp. In connection therewith Aucorp will surrender to Railway for cancellation the 166 shares of beneficial interest in Railway which it proposes to acquire, as set forth in paragraph (2) above, and the income note, due 1960, of Railway in the amount of \$1,218,336.57 which Aucorp will acquire from United Coach, as set forth in paragraph (1) above;

(4) Dover, having outstanding 2,500 shares of common stock, will purchase 1,600 shares for retirement from Aucorp for a consideration of \$450,000 and correspondingly reduce its capital from \$700,000 to \$250,000. Dover will pay for said shares in part by delivering to Aucorp, at the market value thereof at the date of delivery, \$200,000 principal amount of 3¾% income debentures, due 1978, and \$125,000 principal amount of 8% bonds, due 1940, of Agecorp; and the balance of the purchase price will be paid by Dover to Aucorp in cash;

(5) Agecorp, holding a 2% convertible obligation, due 1963, of Aucorp, amounting to \$82,747,814.66 at July 1, 1944, will receive from Aucorp, as payment on ac-

count, \$3,300,000 in cash; the securities of Agecorp which Aucorp will acquire, as set forth in paragraph (4) above; and certain other securities and indebtedness of Agecorp, Associated Gas and Electric Company, The Mohawk Valley Company, and NY PA NJ Utilities Company, having an aggregate carrying value of \$26,527,-252.76;

(6) Subject to obtaining an appropriate order from the District Court of the United States for the Southern District of New York, Agecorp will make a cash donation to NY PA NJ Utilities Company in the sum of \$4,000,000 to be used by the latter to discharge its bank loan of like amount from Guaranty Trust Company of New York.

It is stated in the applications-declarations that the purposes of the proposed transactions, as summarized above, are to simplify the corporate structure of the Agecorp holding company system by eliminating unnecessary corporate entities and the transfer of the ownership of substantial amounts of securities to their issuers or to more logical owners. In addition, it is stated, NY PA NJ Utilities Company will be enabled to discharge its outstanding bank loan. It is further stated that the proposed program will facilitate the consummation of the plan of reorganization of Agecorp and Associated Gas and Electric Company.

Applicants-declarants have designated sections 9 (a), 10, and 12 (f) of the act and Rules U-42, U-43, and U-45 as applicable to the proposed transactions and state that no Federal commission other than this Commission has jurisdiction over the proposed transactions and that the New York Public Service Commission may have jurisdiction over the acquisition of certain securities.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters:

It is ordered, That a hearing on such matters under the applicable provisions of said act and the rules of the Commission thereunder be held on the 28th day of August, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before August 25, 1944, his application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented

by said filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the various proposed acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public utility system or systems;

2. Whether the considerations to be paid and received in connection with the various transactions, including all fees, commissions and other remuneration, are fair and reasonable;

3. The property of the proposed accounting treatment of the several transactions on the books of the respective applicants and declarants; and

4. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, or, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given to applicants-declarants and to all other interested persons; said notice to be given to applicants-declarants and to the New York Public Service Commission by registered mail and to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-12152; Filed, August 14, 1944;
9:44 a. m.]

WAR SHIPPING ADMINISTRATION.

"DUBLIN"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on November 25, 1942, title to the vessel *Dublin*, (230228), including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17,

78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * * ; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: August 12, 1944.

E. S. LAND,
Administrator.

[F. R. Doc. 44-12162; Filed, August 14, 1944;
10:36 a. m.]

"MARIE"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3

(b) of the act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on July 2, 1942, title to the vessel *Marie* (236927), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * * ; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: August 12, 1944.

E. S. LAND,
Administrator.

[F. R. Doc. 44-12163; Filed, August 14, 1944;
10:36 a. m.]